

IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH (COURT – II)

Item No. 211
CP-170/ND/2023

IN THE MATTER OF:

Krishnakant Kumar

...

Applicant/Petitioner

Versus

Optinuva Technologies Pvt. Ltd. & Ors.

...

Respondent

Under Section: 241 (1) & 242 (4)

Order delivered on 12.04.2024

CORAM:

SH. ASHOK KUMAR BHARDWAJ
HON'BLE MEMBER (J)

SH. SUBRATA KUMAR DASH
HON'BLE MEMBER (T)

PRESENT:

For the Applicant : Adv. Raja Singh

For the Respondent : Adv. Vasudha Arora for R-2,

HYBRID HEARING (PHYSICAL & VC)

ORDER

Respondent No. 1 is the concerned company and the Respondent Nos. 3 & 4 are Regional Director MCA & ROC. The Ld. Counsel for the Respondent No. 2 submitted that as the company has only two directors and since the Petitioner is one of Director, no board resolution could be passed on behalf of the Respondent No. 1 to engage any counsel, thus the Respondent No. 2 is the only contesting party. The plea raised on behalf of the Respondent No. 2 is disputed by the Ld. Counsel for the Petitioner by saying that the Petitioner has resigned from the company. In any case, the plea is rebutted by the Ld. Counsel for the Respondent No. 2 who submitted that since no DIR form has been filed with MCA, the Petitioner is still director qua R-1. In any case, as prayed by the Ld. Counsel for the Respondent No. 2, three weeks' time is granted to file the reply.

List on 12.07.2024.

Sd/-

(SUBRATA KUMAR DASH)
MEMBER (T)

Sd/-

(ASHOK KUMAR BHARDWAJ)
MEMBER (J)