

**IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI**  
**PRINCIPAL BENCH**

**ITEM No.3**  
**TP-37(PB)/2021**  
**(Old CP No. 06/chd/Hry/2020)**

**IN THE MATTER OF:**

Dr. Hari Naryan Gangwal	...	Applicant/Petitioner
Vs		
NCR Healthways Pvt. Ltd.	...	Respondent

**Order under Section 241-242 of the Companies Act, 2013**

**Order delivered on 07.11.2023**

**CORAM:**

**JUSTICE RAMALINGAM SUDHAKAR**  
**HON'BLE PRESIDENT**

**SH. AVINASH KUMAR SRIVASTAVA**  
**HON'BLE MEMBER (TECHNICAL)**

**(HEARING THROUGH PHYSICAL MODE & VC)**

**PRESENT:**

For the Applicant : Mr. Sangram Patnaik, Mr. Manish Kumar Mathur,  
Ms. SwayamSidha Patnaik, Ms. Garvita Jain, Advs.  
along with Dr. Hari Narayan Gangwal Petitioner in  
person  
For the Respondent : Mr. Yogesh Jagia, Ms. Priyana Gupta, Advs.

**ORDER**

**IA (CA)-375/2023**

1. This application has been filed for the following reliefs:

*“1) To direct the Respondents to disclose the name of Applicants/ Petitioners under the head of 'Related Party Disclosures in the Audited Financial Statements for the Financial Year 2022-23 whilst also mentioning the amount due to be paid to them by the Respondent No. 1 in compliance of the applicable Accounting Standards;*

*2) To appoint an independent Statutory Auditor for the Respondent No. 1 so as to conduct a fair Audit in a reasonable and un-biased manner.*

*3) To direct the Respondents to render a copy of the Books of Accounts of the Respondent No. 1 Company since the resignation of the Applicants till date.*

*4) To direct the Respondents to render a copy of the Minutes of the Board Meetings of the Respondent No 1 Company since the resignation of the Applicants bill date.*

*5) To direct the Respondent No. 1 to hold any further General Meetings through Audio-Visual means whilst preserving the recordings of the same until the pendency of the main Petition.*

*6) To pass any other Order(s) as this Hon'ble Tribunal may deem fit and necessary.”*

2. Today Ld. Counsel Mr. Sangram Patnaik appeared on behalf of the Petitioner and stated that in view of he being a shareholder of the company, in addition to being an Unsecured Financial Creditor, he wants to raise the issues which are concerned with his role as an Unsecured Financial Creditor which has nothing to do with his role as a Shareholder prima-facie. As a Shareholder, he is entitled to take part in the AGM and raise whatever issues he wants to raise including those w.r.t the audited accounts of the company.

3. Ld. Counsel Mr. Yogesh Jagia appeared on behalf of the Respondent and clearly submitted that the AGM which is proposed to be held at 1 PM will be shifted to 3 PM. This statement of the Ld. Counsel is recorded and if there is any difficulty for the Petitioner to go and reach on time, he can make a request for the VC. AGM will be held through Hybrid Mode.

4. The Petitioner is a shareholder and the unsecured creditor. There is some issue with regard to the audited account in so far as the present petitioner who is also claiming himself as the

unsecured creditor. The issue now is whether the AGM should go on or not. Both Ld. Counsels for the parties have agreed and at their request, the AGM will be conducted at 3 PM through Hybrid Mode and the result of the AGM will be subject to the final decision of this main petition.

**5. With these directions, the IA (CA)-375/2023 stands disposed of.**

**TP-37(PB)/2021**

At the request and by consent of the parties, list the matter for a physical hearing **on 09.11.2023.**

-sd-

**(RAMALINGAM SUDHAKAR)  
PRESIDENT**

-sd-

**(AVINASH KUMAR SRIVASTAVA)  
MEMBER (TECHNICAL)**

Vinod Arora – 07.11.2023