

DIVISION BENCH

ITEM NO. 7

**NATIONAL COMPANY LAW TRIBUNAL
ALLAHABAD BENCH
PRAYAGRAJ**

CP No. 68/ALD/2022

CORAM:

- 1. SHRI HARNAM SINGH THAKUR,
HON'BLE MEMBER (JUDICIAL)**
- 2. SHRI SUBRATA KUMAR DASH,
HON'BLE MEMBER (TECHNICAL)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 26th
SEPTEMBER, 2022, 2:30 pm**

NAME OF THE COMPANY	RACHNA TANDON & ORS. V/S KALORY FOODS PVT. LTD. & ORS.
UNDER SECTION	213, 241/244 of Companies Act 2013 R/w Rules 11 of NCLT Rules, 2016

COUNSEL APPEARED THROUGH VIDEO CONFERENCING:

Sh. Shadan Farasat, Adv.

:For the petitioner

Sh. Adesh Tanton, PCS.

: For the Respondent No. 2

ORDER

The present petition has been filed under Section 213, 241/244 of Companies Act, 2013 R/w Rule 11 of NCLT Rules, 2016 with a prayer to appoint an observer to the Board of Directors of Respondent No.1 with some other allied prayers by contending that after death of Mr. Mukesh Tandon, one of the directors, who expired on 4th January, 2019, respondent Nos.2 to 9 in connivance with each other started oppression of the petitioner and mismanagement of the respondent no. 1 company by including their family members as directors and denied dividends to the petitioners. However, there was no change in the shareholding.

At this stage, Mr. Adesh Tandon, PCS appearing for respondent no.2 has opposed the present petition and interim reliefs and stated that no meeting of Board is to be conducted in near future. It is also contended by the learned counsel for the respondent no. 2 that in the past, the present petitioners have attended the AGMs and at this stage there is no need to appoint observer till the response/reply is filed in the petition.

—Sd—

Keeping in view the rival contentions of the learned counsels for the parties, let the notice of the present petition be served upon the remaining respondents within two weeks and after service of the notice, reply be filed within next three weeks by respondents after serving an advance copy to the other side and rejoinder thereto, if any, be filed within next two weeks by serving an advance copy to the other side.

Let the matter be listed on 28th November, 2022.

—Sd—

(Subrata Kumar Dash)
Member (Technical)

26th September, 2022

Bipul Kumar Tiwari
(Stenographer)

—Sd—

(Harnam Singh Thakur)
Member (Judicial)