

DIVISION BENCH
COURT - I

O-230

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

CP/295(KB)2022
IA(COMPANIES.ACT)/126(KB)2023

**CORAM: 1. HON'BLE MEMBER(J), SHRI ROHIT KAPOOR
2. HON'BLE MEMBER(T), SHRI BALRAJ JOSHI**

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 21ST MARCH 2024, 10:30 A.M

IN THE MATTER OF	AMIT BHAR VS SANJAY HIMGHAR PRIVATE LIMITED
UNDER SECTION	SEC. 241(1) SEC. 242(4)

Appearances (via video conferencing/physically)

Mr. Shaunak Mukhopadhyay, Adv.] For the Respondent
Ms. Ankita Choudhury, Adv.]
Mr. Sayantan Bose, Adv.]
Mr. Rajshi Dutta, Adv.]

ORDER

1. Ld.Counsel for the Respondent /Applicant present.

2. **IA(COMPANIES.ACT)/126(KB)2023-**

- i. This IA has been filed applicant who is Respondent No.2 in the main petition for seeking modification of order dated 17/01/2023 for the reasons stated in this IA.
- ii. On 25/01/2024, Respondents in this IA were granted last opportunity to file reply affidavit. It was mentioned that if the reply affidavit is not filed, right to file shall stand closed. Reply affidavit has not been filed and there is no representation on their behalf today.
- iii. Ld.Counsel while moving this application has placed reliance on an order dated 17/03/2023 passed by the Hon'ble Division Bench of Calcutta High Court.

PJ

- iv. Ld.Counsel further states that subsequently on 29/01/2024 SLP before Hon'ble Supreme Court has also been dismissed. Photo copy of this order has been produced by Ld. Counsel appearing for the applicant today.
- v. In view of the above position, despite giving ample opportunity to the respondents to file reply and attend the hearing which they have not availed, we grant leave to the applicant to apply to respondent no.3 for giving effect to and recording transmission of 11301 shares as mentioned in prayer (a) in the relief at page 25 in terms of the will and as per law.
- vi. Upon an application made to Respondent No.3 in this regard by the applicant, Respondent No.3 will consider it in accordance with law and keeping in view the orders passed by the Hon'ble High Court as referred and placed on record with this IA within two weeks from making this application by applicant to Respondent No.3 Company.
- vii. Interim order dated 17/01/2023 is modified to the extent mentioned above.
- viii. This IA is accordingly **allowed and disposed** of to the above extent.
- ix. Post the main CP on **16/05/2024**.

Balraj Joshi
Member (Technical)

Rohit Kapoor
Member (Judicial)