

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

CP/381(KB)2022
IA(COMPANIES.ACT)/207(KB)2023,
CONT.A./6(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 04TH APRIL 2024

IN THE MATTER OF	SANTANU BHADURI VS NIJJI HEALTHCARE PRIVATE LIMITED
UNDER SECTION	SEC. 241(1) SEC. 242(4) SEC. 244(1)

Appearances (via video conferencing/physically)

Mr. Shuvasish Sengupta, Adv. : For Applicant
Mr. Soumyajit Mishra, Adv.

Mr. Ratnanko Banerji, Sr. Adv. : For R1,2
Mr. Rajat Dutta, Adv.

ORDER

1. Ld. Sr. Counsel/Counsel for the parties present.
2. **CONT.A./6(KB)2023**
 - i. This contempt has been filed for non-payment of some salary dues by applicant. Reply affidavit has been filed and the rejoinder to it as well.
 - ii. This contempt application has been filed alleging violation of order dated 11th of January, 2023 reproduced hereinbelow:-

“3. Reply affidavit be filed within four weeks. Rejoinder, if any, be filed within two weeks. In the meantime, unpaid dues of applicant, if any, shall be paid.”
3. For seeking clarification whether the applicant is actually working for the period for which he is claiming the salary, a supplementary affidavit was sought and which has been filed. In paragraph ‘6’ it is categorically stated by respondents that the applicant did not do any work for respondent No. 1 for the period for which he is claiming his dues. Ld. Counsel appearing for applicant states that in rejoinder

he has stated that he worked for respondent company. He has referred to the paragraph reproduced hereinbelow:-

“ 7. With reference to allegations contained in paragraphs 6 to 8 of the said reply affidavit, I deny and dispute each and every allegation made therein save and except what are matters of record. I deny and dispute that the petitioner is not entitled to any remuneration or that the petitioner has not attended the office of the respondent No. 1 company since August, 2022, as alleged or at all. I say that the registered office of the respondent No. 1 company is situated at 27/2 Brojonath Lahiri Lane, Howrah-711 104 and therefore, the question of not attending the registered office of the respondent No. 1 company for participating in the affairs of the company does not and cannot arise. I say that after August, 12, 2022, the applicant/petitioner sent various emails to the employees of the company in respect of daily affairs of the respondent No. 1 company.”

4. In view of the categorical stand taken that the applicant did not work, there is no specific denial or any specific averment to the extent that the applicant actually worked for this period.
5. In view of the above position, we are of the view that there is no contempt, therefore, this application is **rejected**.
6. Post CP for final hearing on **16/5/2024**.

Balraj Joshi
Member (Technical)

Rohit Kapoor
Member (Judicial)