

NATIONAL COMPANY LAW TRIBUNAL
राष्ट्रीयकंपनीविधिअधिकरण
CUTTACK BENCH
कटकखंडपीठ

ORDER OF THE HEARING ON 30th April, 2024, 10:30 A.M.

CP No. 7/CB/2024

Coram: 1. Hon'ble Member (Judicial), Shri P. Mohan Raj
2. Hon'ble Member (Technical), Shri Kaushalendra Kumar Singh

Name of the Company	Debasish Mahapatra -Vs- The Great Escape Amusement (P). Ltd. & Ors.
Under Section	241-242

Hearing through: VC and Physical (Hybrid) Mode

For Petitioner (s) Mr. Saswat Kumar Acharya, Adv.

For Respondent (s) Mr. Laxmidhar Sahoo, Adv.

ORDER

Ld. Counsel, Mr. S. K. Acharya, appearing on behalf of the counsel on record, Mr. A. Dash, for the petitioner. Ld. Counsel, Mr. Laxmidhar Sahoo, appearing for the respondent. The counsel appeared for the respondent submitted that the meeting requisition dated 23.01.2024, found in page 65 of the main petition signed by the 4th respondent on behalf of the second respondent has been handed over in the registered office of the first respondent company on the day itself. After the receipt of the said requisition, the third respondent sent the same by registered post to the residential address of the petitioner. Since, it was returned with an endorsement "no such company in the said address". Again, the said requisition was sent to the petitioner by Registered post in his name cover. The said registered post also returned unserved with postal endorsement "no such person" another attempt also taken by the third respondent to serve the notice by post also failed. In this regard, on the respondent side shown three returned envelopes. On the petitioner side denies the receipt of any requisition

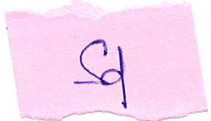
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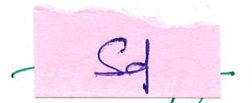
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Sibendra Naik (Steno)

of the fourth respondent. It is brought to notice that the third respondent sent communication dated 23.01.2024, found in page 55 of the main petition to the petitioner by e-mail in which there is no reference about the receipt of the requisition from the 4th respondent. Apart from this on the petitioner side insisted that the meeting notice dated 08.03.2024, is defective since there is no clear 21 days between the date of notice and the date of meeting. As per the secretarial standard 1.2.6. On the respondent side stated that meeting was already held on 05.04.2024 and 4th respondent is appointed as a director. On the petitioner side stated that nothing is uploaded in the MCA Portal till date. Hence, insisted to grant an interim injunction. We found that the notice dated 08.03.2024 has not provided 21 days. As per Section 101 of Companies Act 2013, 21 days clear notice is must. In view of the secretarial standard 1.2.6 (Annexure 7 Page 68 of the Petition), the said requirement is not complied. Thus, the petitioner side prima facie made out a case that notice dated 08.03.2024 is defective. At this juncture, we are inclined to grant an interim order to the limited extent restraining the respondents not to give an effect/implement the decision taken in the meeting held on 05.04.2024, till the next date of hearing i.e., 12.06.2024. A week time is given to the counsel who appeared for the respondents to file Vakalatanma and reply. Further, petitioner is directed to serve the copy of the petition with all enclosers to the counsel on record by e-mail. Further, petitioner is directed to send notice to R1 and R5 by speed post and by e-mail. List the matter by 12.06.2024.



Kaushalendra Kumar Singh
Member (Technical)



P. Mohan Raj
Member (Judicial)