

NATIONAL COMPANY LAW TRIBUNAL
COURT ROOM NO. 1,
MUMBAI BENCH

Item No. 19

IA 51/2024 (NEW IA) in CP 761/2017

CORAM:

SH. PRABHAT KUMAR JUSTICE VIRENDRASINGH BISHT (Retd.)
HON'BLE MEMBER (TECHNICAL) HON'BLE MEMBER (JUDICIAL)

ORDER SHEET OF THE HEARING ON **08.04.2024**

NAME OF THE PARTIES: **STARLIGHT REAL ESTATE (ASCOT)**
 MAURITIUS LTD & ORS V/S AUGUSTUS
 AVANI LAND DEVELOPERS PVT LTD

Section 241-242 of the Companies Act, 2013

ORDER

IA 51/2024 (NEW IA) in CP 761/2017

- 1) Mr. Nausher Kohli, Ld. Counsel for the Petitioner/Respondent in the Interlocutory Application and Ms. Seema Kolwadkar, Authorised Representative for the Respondent/Applicant in the Interlocutory Application are present.
- 2) Ld. Counsel for the Respondent/Applicant in the Interlocutory Application seeks some time to file and place on record Affidavit in Reply. Time is allowed.
- 3) Authorised Representative for the for the Applicant in the present Interlocutory Application submits that no order can be passed by this Bench

permitting the inspection of the statutory record thus the initiation of Contempt Proceedings against them is not tenable. Authorised Representative further draws our attention to Section 94(5) of the Companies Act, 2013, which reads as under:

(5) The Central Government may also, by order, direct an immediate inspection of the document, or direct that the extract required shall forthwith be allowed to be taken by the person requiring it.

- 4) In view of the forgoing, Authorised Representative of the Applicant herein submits that this Tribunal does not have power to direct the inspection; but the Central Government can do so.
- 5) After reading the above Section 94(3) of the Companies Act, 2013, which provides for inspection of the records by the Members, does not require direction from any Authority and this Bench had directed the Respondent to allow the inspection of the records. In that view of the matter, Respondent shall allow the inspection of the statutory record which is permissible under the Companies Act to the members of a company.
- 6) Stand over to 26.04.2024, for further consideration and hearing.

Sd/-

PRABHAT KUMAR
MEMBER (TECHNICAL)

Sd/-

JUSTICE VIRENDRASINGH BISHT
MEMBER (JUDICIAL)