

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

**Item No. 19**

**CP/18(MB)2024**

CORAM:

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

ORDER SHEET OF THE HEARING ON **12.04.2024**

NAME OF THE PARTIES:    **AYUSH GUPTA V/s CHIRON METCO**  
**PRIVATE LIMITED**

Section 241(1) Sec. 242(4) of the Companies Act, 2013

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**ORDER**

1. Mr. Ashish O. Lalpuria, CS a/w Ms. Suman Ramkumar Dhamecha appeared for the Petitioner.
2. None for the Respondent.
3. Registry is directed to issue show cause notice to the Respondent to file reply and how they are not disqualified under Section 164(1) of the Companies Act, 2013. Last opportunity granted to the Respondent to file reply.
4. Learned Counsel for the Petitioner informs that no board meeting was conducted and accounts were filed with ROC without issuing any notice of the Board Meeting and the Annual General Meeting for adoption of the accounts.

5. In case the Respondents fails to file reply, appropriate instructions will be issued to the ROC in this regard.
6. List this matter on **17.05.2024** for hearing.

**Sd/-**  
**PRABHAT KUMAR**  
**MEMBER (TECHNICAL)**

**Sd/-**  
**JUSTICE VIRENDRASINGH BISHT**  
**MEMBER (JUDICIAL)**

Sapna

**NATIONAL COMPANY LAW TRIBUNAL**

**COURT ROOM NO. 1,**

**MUMBAI BENCH**

**Dated 12.04.2024.**

- 1) The Company Petition No. 18 of 2024 is filed under Section 241 and 242 of the Companies Act seeking direction to the Respondent No. 2 and Respondent No. 3 a) to not encumber or dispose of or create any third-party rights or interests in any property of the Respondent Company without obtaining the written consent of the Petitioner No.1 and to serve a prior notice of the same to the Petitioners (b) declare the so called Annual General Meeting held on 27.09.2023 as illegal and void and also declare the so called Resolution passed at the Annual General Meeting held on 27.09.2023 for approval of Audited Financial Statements as illegal & void. c) Declare the Board Meeting allegedly held on 29.01.2024 for selling the property of the Respondent Company as illegal & void and all resolutions passed thereat also to be illegal & void d) Direct the Respondent No. 2 and Respondent no. 3 to bear the cost of the Petition and incidental expenses incurred by the Petitioners in filing this Petition and pursuing the same before Tribunal e) Refer the matter to Registrar of Companies, Mumbai to take suitable action against Respondent No. 2 and Respondent no. 3 for violation of provisions of Companies Act, 2013 as explained in Para 33 of

this Petition (f) direct all the bank accounts of the Respondent No.1 Company be operated under the joint signature of the Petitioner No. 1 being one of the signatories and any of the other Directors being the signatory g) to appoint an eminent independent person as an administrator to the affairs of the Respondent No.1 Company.

- 2) Record reveals that the matter was listed on Board on 06.03.2024, on which date none present for the Respondent.
- 3) Respondents to file reply and show cause why they shall not be disqualified under Section 164(1) of the Companies Act, 2013.

**Sd/-**  
**PRABHAT KUMAR**  
**MEMBER (TECHNICAL)**

**Sd/-**  
**JUSTICE VIRENDRASINGH BISHT**  
**MEMBER (JUDICIAL)**

Sapna