

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) No. 72 of 2018

IN THE MATTER OF:

A. Manohar

...Appellant

Versus

Union of India & Ors.

...Respondents

Present: For Appellant : Mr. A. Manohar, appellant in person

O R D E R

09.03.2018 Heard Mr. A. Manohar, appellant who is appearing in person.

Admittedly, Mr. A. Manohar is not a member of the company nor a person affected by any of the act or omission specified under sub-section (1) of Section 245 of the Companies Act, 2013. The application filed under Section 245 of the Companies Act, 2013 is not maintainable at the instance of Mr. A. Manohar.

2. Mr. A. Manohar submits that he has been authorised by number of members, however, we are of the view that he cannot file application under Section 245 as an applicant though he may argue the application, if so authorises. In fact on the basis of the authorisation, a non-member cannot file an application under Section 245 of the Companies Act, 2013. There is no merit in the appeal. The appeal is accordingly dismissed. However, in the facts and circumstances of the case there shall be no order as to cost.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)