

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 359 of 2017

IN THE MATTER OF:

Bhupendra Patel & Anr.

...Appellants

Vs.

Hotel Satyaketu Pvt. Ltd. & Ors.

...Respondents

Present: For Appellants: - Mr. Dhiren R. Dave, PCS and Mr. Ashok Kumar Jain, Advocate.

For Respondents: - Dr. U.K.Chaudhary, Senior Advocate with Mr. Mansumyer Singh, Advocate.

ORDER

26.10.2017- Mr. Dhiren R. Dave, Company Secretary appears on behalf of the appellant. Dr. U.K.Chaudhary, learned Senior counsel already appeared on behalf of the Respondents 1 to 4.

2. Admittedly, the appellant(s) was not a member of the company in the year 2015 when the application under Sections 397&398 read with Sections 402 and 403 of the Companies Act, 1956 was filed. The said application also refers to be an application under Section 111 and 111A of the Companies Act, 1956 (now changed as application under Section 58 of the Companies Act, 2013), for inserting the name of the appellants as shareholders on the ground that their names were wrongly deleted in the year 2012. However, it is not clear whether in terms of the provisions of Section 111 of the Companies Act 1956, the said application was filed within the limitation period of two months or not as prescribed under

the said provision. Admittedly, no share certificate was issued in favour of the appellants, nor they are holding any share documents in their favour. In this situation, how a relief can be granted in this appeal, which has been dismissed on one of the ground that the petitioners do not hold the shares and are not shareholders.

3. Learned Company Secretary appearing on behalf of the appellants prays for and allowed time to address the Appellate Tribunal on the aforesaid issues.

Post the matter on 15th November, 2017.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

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