

NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH
NEW DELHI



C. P. NO. 94(ND)2016
CA. NO.

PRESENT: B. S. V. PRAKASH KUMAR
HON'BLE MEMBER (J)

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NEW DELHI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 16.06.2016 AT 02.00 P.M**

**NAME OF THE COMPANY: M/s. Mr. Atim Khabra & Anr. V/s. M/s. Applied Mobile Labs Pvt. Ltd.
& Ors.**

SECTION OF THE COMPANIES ACT: 241/242,

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
1.	P. K Mittal	Adv.	Petitioners	} 
2.	Ashutosh Kumar	Adv.	Petitioners	
3.	Saurabh Chaudhary	Adv.	Respondent no. 1	/ 
4.	Palash Agarwal	Adv.	in	

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH
CP 94(ND) 2016**

Present: B.S.V. Prakash Kumar, Member (Judicial)

In the matter of:

Companies Act, 2013 Sections 241, 242 and 244 of the Companies Act, 2013;

And

In the matter of:

Mr. Atim Khabra & Anr.

.....Petitioners

v.

M/s. Applied Mobile Labs Pvt. Ltd. & Ors.

.....Respondents

Present:

The counsel for the Petitioner: Mr. P.K.Mittal and Mr. Ashutosh, Advocates.

The counsel for the Respondents: Mr. Sameer Chaudhary and Mr. Palash Agarwal, Advocates.

**Order
(Heard and Pronounced on 16.06.2016)**

The petitioners counsel submits that though he invested ₹2.7crores for having 36% shareholding in the company, but till date, he has not seen any returns on his investment in the company. His nominee director who was continuing up to May, 2016, resigned in the month of May, 2016, ever since no nominee director has been taken up from the petitioner side though he has 1/3rd shareholding in the company. He says that Articles of Association of the company permits him to bring his nominee director on the Board, but no chance has been given to the petitioner.

2. To which, the respondents counsel submits that his nominee director continued up to May 2016, it is not that the company removed him, he himself resigned, ever since the petitioner has not made any request to the company for

appointment of a nominee director on the Board from the petitioner side; therefore, no cause of action arose for filing this Company Petition.

3. However, the counsel appearing on behalf of the respondents' side submits that he would take instructions for taking his nominee director on the Board.

4. On hearing the submissions of either side, for having the respondents side sought time to take instructions within one week hereof for induction of a nominee director from the petitioner side, this matter is posted for the respondents side counsel to take instructions from his party for induction of petitioner nominee director on the Board within two weeks hereof.

List the matter for hearing on 15.07.2016 at 2.00 p.m.

Sd/-

(B.S.V. PRAKASH KUMAR)

Member (Judicial)

Signed on 20.06.2016

New Delhi