

COMPANY LAW BOARD  
NEW DELHI BENCH  
NEW DELHI

CP NO. 41(ND)/2015


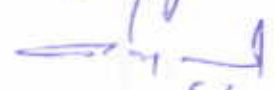
CA NO. 73/C-1/2016

PRESENT: CHIEF JUSTICE M. M. KUMAR  
CHAIRMAN

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NEW DELHI BENCH OF THE  
COMPANY LAW BOARD ON 08.03.2016

NAME OF THE COMPANY: **Sh. Mukesh Aggarwal**  
Vs.  
**M/s. Wave Buildcon Pvt. Ltd.**

SECTION OF THE COMPANIES ACT: 397, 398, 402, 404 of the Companies Act 1956.

<u>S.NO.</u>	<u>NAME</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1	S Koley	PCS	Petitioner	
2	Mukesh Aggarwal	Proprietor	Respondent in Person	

ORDER

Notice of the application

The Company Law Board issued interim directions on 28.05.2015 restraining respondent No.1-company from holding any Board Meeting. However modification was issued vide order dated 12.10.2015 to Respondent No.1-company. Accordingly Respondent No.1-company was permitted to hold meeting of the Board of Directors and/ or AGM in order to enable respondent No.1-company to comply with the statutory requirements. It was clarified that the permission granted was not to be construed that all other meetings of the Board of Directors which are not non-statutory were also permitted to be held. In respect of meeting for statutory compliance notice was required to be served on the non-applicant/petitioner.

In this application some ugly attempts on the part of respondent No.1 has been alleged and pointed out to proceed with numerous meetings which are not statutory in character. A reference in this regard has been made to the email dated 25.12.2015, courier dated 28.12.2015 and notice dated 14.1.2016 for holding

CTM

meetings with 8/9 agenda items. The applicant/ petitioners have objected to the aforesaid attempts. However on 22.2.2016 special notice for a meeting has been issued for removal of the petitioner from the office of director which is allegedly received from four shareholders. These shareholders are facing the challenge in the main petition with regard to their status as shareholder.

Having heard the learned counsel for the applicant-petitioner I am of the considered view that attempts of Respondent No.1 to hold meeting which are not to comply with statutory provisions like removal of the applicant-petitioner is wholly in violation of the order already passed by this Board. Therefore the AGM proposed to be held today or on any subsequent dates shall remain stayed.

Reply to application if any be filed within three weeks with a copy in advance to the counsel for the applicant-petitioner.

List on 8.4.2016 at 10.30 am.

  
(CHIEF JUSTICE M.M. KUMAR)  
CHAIRMAN

Dated: 8/3/2016  
(Vidya)