

Mentioning

COMPANY LAW BOARD  
NEW DELHI BENCH  
NEW DELHI

C. P. No. 30(ND)2014  
C.A. NO. 14/2016

PRESENT: SHRI B. S. V. PRAKASH KUMAR,  
MEMBER (JUDICIAL)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NEW DELHI BENCH OF THE  
COMPANY LAW BOARD ON 31-03-2016 AT 2:30 A.M

NAME OF THE COMPANY: M/s. Triumph Tutorial Pvt. Ltd. & Ors.

SECTION OF THE COMPANIES ACT: 397/398

<u>S.NO.</u>	<u>NAME</u>	<u>DESIGNATION</u>	<u>REPRESENTATIVE</u>	<u>SIGNATURE</u>
	ANKIT SHAH	ADV.	Petitioner	Ankit Shah
	SANDEEP TANEJA	ADV.	PETITIONER	S. Tanuja
	DINKAR SINGH	ADV.	Respondents	

Order

The petitioner filed an application seeking stay over the board meeting to be held on 04.04.2016 with an allegation that R2 & R4 are not entitled to vote in the Board Meeting as they have ceased to be additional directors of the company, in fact, they have no shareholding in the company. Apart from this, the petitioners' side prays this Bench to take the report of Institute of Chartered Accountants of India dated 26.02.2016 on record.




Contd/-.....

2. To which, the respondents side submits that these petitioners who are continuing as majority in the board have not been cooperating, therefore, R2 could not take forward the company and not even in a position to comply with the statutory liabilities, henceforth, he prays this Bench to provide plausible solution, if any, enabling the company to carry out its functions.
3. On hearing the submissions of either side, for this Bench having already appointed an Observer in this company, for there being no objection from either side for appointment of him as Chairman of the Board Meeting to be held on 04.04.2016 with a right of exercising casting vote treating both parties equal in between them, though, the petitioners have two directors from their side, this Bench hereby appointed the observer as chairman of the meeting to be held on 04.04.2016 with casting vote as aforesaid. The vote of the observer on either side shall be treated as majority for passing resolution.
4. For having this Bench provided viable arrangement to proceed with the meeting dated 04.04.2016, R3 & R4 are at liberty to attend the meeting but not to exercise the voting right in the said meeting.
5. As to prayer to take ICAI report on record, since the respondents' side sought time to file reply, Respondents are hereby directed to file reply on or before next date of hearing.
6. Matter fixed on 22.04.2016 is hereby cancelled.

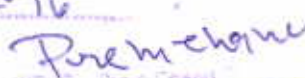
List this matter on 05.05.2016 at 2.30 p.m.

Regulation 20(4) of  
the CLB Regulations, 1991

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On 01/4/2016

  
**(B.S.V. PRAKASH KUMAR)**  
Member (Judicial)



  
Prakash Kumar  
Company Law Board  
भारत सरकार / Govt. of India  
नई दिल्ली / New Delhi