

COMPANY LAW BOARD
NEW DELHI BENCH
NEW DELHI



C. P. NO. 53(ND)2016
CA. NO.

PRESENT: B.S.V. PRAKASH KUMAR,
HON'BLE MEMBER

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NEW DELHI BENCH OF THE COMPANY LAW BOARD ON 12.04.2016 AT 02.30 P.M

NAME OF THE COMPANY: M/s Dr. Ajit Gupta V/s. M/s. Park Wellnes Services Pvt. Ltd. & ors.

SECTION OF THE COMPANIES ACT: 397/398

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
1.	Mr. Vinender Ganda,	Sr. Adv.	for Petitioner Ganda	
2.	Ms. Vipul Ganda,	Adv.		
3.	Ms. Gyanendra Kumar	Adv.		
4.	Ms. Shikha Tandon	Adv.		
5.	Mr. S.K. Gisi	Adv.		
6.	Mr. Sonam Doral	Adv.		
7.	Mr. Deepok Sharma	PCS.		
		Order		

The petitioner counsel mentioned this CP stating that the petitioner had 51% shareholding in the company and the same was reduced to 0.14% in the year 2015 behind the back of the petitioner. The Petitioner of late has come to know of this fact only when he received a phone call from one Mr. Sachin Gupta informing the petitioner that negotiations were on with the R3 & R4 for buying the under construction hospital site by way of sale of shares of R1 company for a sum of ₹100crores. Though there is no letter or any material in writing disclosing the respondents negotiating with somebody to sell the company property, the petitioner counsel placed a letter of the petitioner addressed to the Managing Director of HSIDC

P.T.O.



stating that R2 and R3 were trying to alienate the property to someone else by diluting the petitioner shareholding to less than 1%

2. The petitioner apprehends that if the respondents alienate the Company property to outsiders ignoring the interest of the petitioner in R1 Company, it will certainly prejudice the interest of the petitioner; therefore, the counsel has sought for status quo over the shareholding and fixed assets of the company.

3. The petitioner counsel filed proof of service showing that he sent notices to the respondents on 09.04.2016, and those notices were already delivered to the respondents on 11.04.2016 i.e., yesterday, therefore he says service has been effected against all the respondents.

4. On seeing the addresses of these Respondents, it appears all these respondents have been residing out of Delhi. Assuming the service has been affected against the respondents, for they are residing out of Delhi, this Bench can't expect that the respondents have wantonly remained absent.

5. However, for the senior counsel appearing on the petitioner behalf having raised an apprehension that the respondents are negotiating to alienate the property of the company; this Bench hereby directs the Respondents to maintain status quo over the assets of the company until next date of hearing i.e., on 18.04.2016, with a liberty to the respondents seeking vacation of this order without filing any application provided the facts submitted by the petitioner are not reflecting the facts happened in the past.

6. This Bench hereby directs the petitioner to communicate this order by email as well as by post enabling the respondents to appear on the next date of hearing.

List the matter on 18.04.2016 at 2.30 p.m.


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