BEFORE THE COMPANY LAW BOARD, NEW DELHI BENCH
NEW DELHI
CA 173/2015 in CP 144(ND)/2012

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

In the matter of:

Companies Act, 1956 Sections 397, 398

And

In the matter of:

Pitambar Books Pvt. Ltd & Ors ..... Petitioners

Versus

M/s Fortune Developers International Pvt. Ltd. .....Respondents

Present:

The counsel for the Petitioners: Shri Arun Saxena, Simran Jyoti Singh, Advocates

The counsel for the Respondents: Shri Shwetank Tripathi, Nidhi Gulabani, Amir Nabi, Advocates

Order
(Heard & Pronounced on 10-03-2016)

The petitioner filed an amendment application seeking amendment to include subsequent events in the pleadings of the Company Petition for the company has, without notice to the petitioner, changed the name of R1 company by passing a resolution on 23.02.2015 and, thereafter, filed forms in respect of change of name of R1 company from "Fortune Developers International Pvt. Ltd to "Raj Darbar Infrastructure Pvt. Ltd" and also for R1 company, without notice to the petitioner, shifted the registered office of R1 company from Delhi to Agra by passing a resolution on 14-02-2015 and for filing forms in respect of resolutions passed by the company.

2. In reply to the same, the respondents submit that the change of registered office from Delhi to Agra cannot be called as shifting of the company from Delhi to Agra because this company was originally located at Agra, thereafter for some time, it was shifted to Delhi, now again, it has gone back to Agra on seeing possibility of potential growth to the company at Agra and it is very much within the knowledge of the petitioner, therefore, neither change of name of the company nor shifting of the company from Delhi to Agra is detrimental either to the interest of the petitioner or to the company.

3. The counsel appearing on behalf of the respondents submits that in case this application is allowed, these Company Petitions which are ripened for hearing, will take some more time in filing the amended petition, filing reply to the amended petition, for doing so, further delay will take place in disposal of this Company Petition hence the respondents sought for dismissal of this Company Application.

4. On hearing the submissions of either side, it appears that the company's name and location of the registered office have been admittedly changed subsequent to filing of this Company Petition. Since these two actions being occurred after filing of this Company Petition, I believe that there is a necessity for bringing on these two facts in the pleadings of the Company Petition.

5. Accordingly, this Company Application is hereby allowed directing the petitioner to file amended Company Petition including paras 8.4 and 8.5 showing in the CA and reliefs sought in this Company Application as part of the main petition. Whether these facts are prejudicial to the petitioners or not, is a point to be decided on merits at the time of final hearing.

6. For the reasons stated above, this application is allowed directing the petitioner to file amended petition as mentioned above, giving liberty to other side to file reply within 15 days after filing of the amended petition.

Accordingly CA 173/C-II/2015 is allowed.

List the matter for hearing on 20.05.2016 at 2.30 p.m.

Sd/-

(B.S.V. PRAKASH KUMAR)
Member (Judicial)
(signed on 10-03-2016)

New Delhi