

(2020) 08 NCLT CK 0084

In the National Company Law Tribunal

Case No : Interlocutory Appeal No. 547/2020 In Company Petition No. 197/241/Hdb/2020

Gopi Sridhar Gurram And Ors

APPELLANT

Vs

Redan Infrastructure Pvt. Ltd. And Ors

RESPONDENT

Date of Decision : 03-08-2020

Acts Referred:

Citation : (2020) 08 NCLT CK 0084

Hon'ble Judges : Ratakonda Murali, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Ratakonda Murali, J

Counsel for petitioner is connected through video conference.

Counsel for respondents 2-4 is also connected through video conference.

IA No. 547/2020, is filed for hearing the petition as an urgent matter pending service of notice on other respondents and pending filing of vakalat as well counter for the contesting respondents 2-4 and after hearing both sides the prayer for interim relief is taken up as an urgent matter.

It is contended on behalf of petitioners that Board meeting of first respondent Company is scheduled to take place tomorrow in which proposal for adding two more persons to the Board which is being convened at the instance of one of the respondents. It is contended by the counsel for petitioners that in case resolution is approved by the Board then petitioners will be reduced to minority in the Board which is against the terms and conditions of Share purchase agreement.

On the other hand counsel for respondents 2-4 contended that the very case of petitioners that there is equal number of Directors on both sides in the Board unless majority approved the resolution then only it can be passed. Counsel contended petitioner requested the Company to permit e-voting in the proposed

Board of Directors meeting on 04.08.2020 and Company permitted the same.

It is true that equal number of directors on both sides are in the Board of Directors. Then resolution if any be approved by majority. Therefore there is no question of giving any interim relief at present, but permitting the petitioners to participate in Board of Directors meeting through e-voting to be held on 04.08.2020.

With this direction IA No. 547/2020, filed for hearing the main petition is accordingly allowed.

Main matter is listed for filing vakalat, service of notice as well counter.

List it on 21.08.2020. Notice to be given to all the Directors and file proof of service.