
(2022) 11 NCLT CK 0082
In the National Company Law Tribunal
Case No : C.P. No. 235/KB/2022

Malaya Ketan Mohapatra

APPELLANT

Vs

Wanshan Mobiles Private Limited

RESPONDENT

Date of Decision : 23-11-2022

Acts Referred:

Companies Act, 2013 — Section 96, 97(1), 101
National Company Law Tribunal Rules, 2016 — Rule 11, 74

Citation : (2022) 11 NCLT CK 0082

Hon'ble Judges : Rohit Kapoor, Member (J); Balraj Joshi, Member (T)

Bench : Division Bench

Advocate : Abhishek Kumar Pandey, Arun Kr. Jaiswal

Final Decision : Disposed Of

Judgement

Rohit Kapoor, Member (Judicial)

1. The court convened today by hybrid mode.
2. The present Company Petition under section 97(1) of the Companies Act, 2013, has been filed by a member/ shareholder Mr. Malaya Ketan Mohapatra son of Udaya Nath Mohapatra holding 10 equity shares, seeking the Tribunal's orders for calling the Annual General Meeting of the Respondent Company for the Financial Year ending on 31.03.2021, within 30 days from the date of such order.
3. The Respondent Company, Wanshan Mobiles Private Limited was incorporated on 17th April 2018 under the Companies Act 2013. The last Annual General Meeting of the Respondent Company was held on 31st December 2020 for the financial year ended on 31st March 2020.
4. The Petitioner approached the Respondent Company for holding the Annual General Meeting for the financial year ended 31st March 2021, the Respondent Company replied that the compilation of Annual Accounts for the year 2020-2021 took more time as the Company was facing Search and Seizure under warrant no

893/2019 of Deputy Director of Income Tax (Inv) which has resulted in a delay in the accumulation of data and the non-readiness of the financial statement of the respondent company.

5. The Petitioner states that as the Respondent Company herein couldnot get its account audited on time therefore the Annual General Meeting could not be held within stipulated time period for the financial year

ending on 31st March 2021 as required under section 96 of the Companies Act, 2013.

6. We have heard the learned Authorised Representative appearing for Respondent. The Ld. Counsel for the respondent does not have any objection to the application being allowed.

7. Accordingly, we hereby, give the following directions in the exercise of the powers conferred on this tribunal under section 97(1) of the Companies Act, 2013 read with Rule 11 and Rule 74 of the National Company Law Tribunal Rules, 2016:

(a) A general meeting of the company be convened and held on or before 31.12.2022 to transact the ordinary business of approval and adoption of the Audited Financial Statements for the financial year ending on 31st March, 2021. This meeting shall be deemed to be an AGM of the Company. The meeting shall be held by following various statutory protocols and advisories scrupulously.

(b) The quorum shall consist of at least one shareholder.

(c) Notice shall be issued to all the members in accordance with section 101 of the Companies Act, 2013.

8. The Registry is directed to send copies of the Order forthwith to all the parties and their representative for information and for taking necessary steps.

9. Registry is also directed to send a copy of this Order to the Registrar of Companies, West Bengal, Kolkata.

10. Certified Copies of this order may be issued, if applied for, upon compliance with all requisite formalities.

11. The C.P. No. 235/KB/2022 is disposed of accordingly.

12. File be consigned to records.