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**(2023) 04 NCLT CK 0059**

**In the National Company Law Tribunal**

**Case No :** Company Petition No. 26/Kb/2023

**Mrs Lakshmi Marothia Vs Jagat Inn Pvt Ltd ?**

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**Date of Decision :** 26-04-2023

**Acts Referred:**

Companies Act, 2013 — Section 96, 97, 101

**Citation :** (2023) 04 NCLT CK 0059

**Hon'ble Judges :** Bidisha Banerjee, Member (J); Rahul Bhatnagar, Member (T)

**Bench :** Division Bench

**Advocate :** Suranjana Chatterjee, Patita Paban Bishwal

**Final Decision :** Disposed Of

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## **Judgement**

Bidisha Banerjee, Member (Judicial)

1. The present Company Petition has been filed by member/ shareholder Ms. Lakshmi Marothia wife of Late Ashok Kumar Nair holding 39,000 Equity shares of the total issued, subscribed and paid- up share capital of the Respondent Company.

2. The Respondent Company, Jagat Inn Private Limited was incorporated on 9th day of December, 1987 under the Companies Act 1956. There are Seventeen equity shareholders as on 31.03.2020.

3. 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 states that she has neither received any Notice for convening any Annual General Meeting from the Financial Year commencing 1st April, 2021 till the present nor received any copy of Annual Accounts from the Financial Year commencing 1st April, 2021 till the present.

a) The Petitioner states that she is a shareholder of the Respondent Company and is entitled under section 97 of the Companies Act, 2013 to make an application before this Learned Tribunal for calling off and/or directing the calling off an Annual General Meeting of the company when there is default for holding

an Annual General Meeting under section 96 of the Companies Act, 2013. Admittedly, the company has defaulted in holding the Annual General Meeting for the years ending 31st March, 2021 and 31st March, 2022.

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

6. We, hereby, give the following directions in the exercise of the powers conferred on this tribunal under section 97 of the Companies Act, 2013:

(a) The Respondent Company shall call, convene and hold a meeting of its members on or before 01/06/2023 to approve the Annual Financial Statements for the Financial Year ended 31st March 2021 and 31st March 2022.

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

(c) Such meeting shall be deemed to be an Annual General Meeting of the Company.

(d) The Respondent Company is granted the liberty to approach this Tribunal in case there is any difficulty in holding the Annual General Meeting as directed aforesaid.

7. 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.

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

9. The C.P. No. 26/KB/2023 shall be disposed of accordingly.

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