

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**

**Company Appeal (AT) No. 175 of 2018**

**IN THE MATTER OF:**

**Pradeep Kumar Garg**

**...Appellant**

**Vs.**

**Saharan Ashiyana Pvt. Ltd. & Ors.**

**...Respondents**

**Present: For Appellant: - Mr. Arun Saxena and Ms. Nalini,  
Advocates.**

**ORDER**

**30.05.2018-** The Appellant, a Shareholder has challenged the order dated 28<sup>th</sup> March, 2018 passed by the National Company Law Tribunal (hereinafter referred to as "Tribunal"), Allahabad Bench, Allahabad in CP No. 80/ND/2016, which reads as follows:

*"Sh. Arun Saxena along with Ms. Nalini, Advocates for the petitioner. Sh. Jahangir Haider, Advocate for the respondent no.4 and Sh. Krishna Dev Vyas, CGSC for the ROC, Kanpur is present.*

*It appears from the record that by order dated 26.05.2016, which was passed regarding inspection of books of accounts and statutory records of the respondent no.1 company. Since the petitioner capacity is only that of a shareholder and as a shareholder he doesn't have any right to inspect the books of accounts.*

*In this company petition, till date no reply and rejoinder has been filed by the respondents. Hence, respondents are directed to file reply in the company petition within three weeks from today with a copy in advance to the opposite party, thereafter, rejoinder, if any, may also file within two weeks with a copy in advance to the opposite party.*

*List the matter on 14<sup>th</sup> May, 2018 for hearing along with all pending applications.”*

2. Learned counsel for the Appellant submits that earlier erstwhile Company Law Board ordered to allow the Appellant to inspect the books of accounts and statutory records of the 1<sup>st</sup> Respondent Company. The Tribunal also allowed number of times to inspect the record but the Respondents have not shown the same. Now by the impugned order such right of the Appellant has been closed.

3. From the record we find that the Company Petition relates to allege ‘oppression and mismanagement’ filed under Sections 397/398 read with Sections 402 & 403 of the Companies Act, 1956 (now Sections 241/242 of the Companies Act, 2013). The matter is pending since 2016. The Appellant was allowed number of times to inspect the books of accounts since 2015. Now, more than two years has been passed and

if they have failed to inspect the records for one or other reasons, we are of the view that the petition cannot remain pending for years together which otherwise was required to be disposed of within three months in terms with Section 422 of the Companies Act, 2013.

4. For the reasons aforesaid, we are not inclined to interfere with the impugned order dated 28<sup>th</sup> March, 2018 passed by the Tribunal in CP No. 80 (ND) 2016. The appeal is accordingly dismissed. No cost.

(Justice S.J. Mukhopadhaya)  
Chairperson

(Justice Bansi Lal Bhat)  
Member(Judicial)

Ar/g