

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

**Company Appeal (AT) No. 257 of 2018**

**IN THE MATTER OF:**

**Aude Priya Donatelle Wacziarg Ep  
Engel & Anr.**

**...Appellants**

**Versus**

**M/s. Neemrana Hotels Pvt. Ltd. & Ors.**

**...Respondents**

**Present:**

**For Appellants :**           **Mr. Jayant Mehta, Mr. Aashish Dholakia, Mr. Jasmeet Singh, Ms. Nidhi Mohan Parashar, Mr. Rohan Chawla and Mr. Shubhankar, Advocates**

**For 2<sup>nd</sup> Respondent :**   **Mr. Sudhir Makkar, Senior Advocate assisted by Mr. Shantanu Parashar and Ms. Soumya, Advocate**

**O R D E R**

**09.08.2018**       The appellants who are the petitioners have challenged the order dated 3<sup>rd</sup> July, 2018 passed by the Tribunal, relevant portion of which reads as follows:

“24. *We are unable to accept the submission of the ld. Counsel of the petitioner that restricting the petitioner’s right for further inspection would be a review of the orders of this Bench. While permitted the petitioner to carry out inspection the object was not intended to permit her to carry it out endlessly. As observed, enough opportunity has been granted and putting an end to it does not*

*tantamount to a review of the order. We are also unable to concur that review is not permissible in the facts and circumstances of the case. The prayer permitting inspection was only an interim measure. To permit the petitioner to take refuge under the said orders, being a gross abuse of the process of law, justifies and makes it expedient to put an end to this endless exercise.*

25. *In view of the facts and circumstances of the case CA 347/2017 filed by the respondent praying for appropriate directions for restraining the petitioner from carrying out an endless search, merits consideration and is allowed. The petitioner having been granted sufficient opportunity shall not insist on further inspection or cause day to day disruption of work unless specifically permitted by this Bench.”*

2. Learned counsel appearing on behalf of the appellants submits that the appellants/petitioners were not allowed to carry out inspection in terms of order passed by this Appellate Tribunal though it is stated that the 2<sup>nd</sup> Appellant is the Director and, therefore, has right to inspect the documents. It is further submitted that in terms of Section 128(3) of the Companies Act, 2013, the books of accounts, which are kept by the company required to be signed by the Directors and the appellants are not being allowed to inspect books of accounts

and sign them. Further grievance is that the respondents' are putting hindrance and thereby not allowing the 2<sup>nd</sup> appellant to function as Director.

3. On hearing the learned counsel for parties, we find that the grievance of the appellants is that respondents' action is oppression. Such grievance can be raised by the appellants in the pending petition filed under Section 241 and 242 of the Companies Act, 2013 which is pending for more than nine months. If aforesaid facts are brought to the notice of the Tribunal, the Tribunal may consider the same and decide the case on merits uninfluenced the observations as made by the Tribunal in the impugned order dated 3<sup>rd</sup> July, 2018. The appeal is disposed of. No cost.

[Justice S.J. Mukhopadhaya]  
Chairperson

[ Justice Bansi Lal Bhat ]  
Member (Judicial)

/ns/uk/