

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 217 of 2019

IN THE MATTER OF:

Aruna Theatres & Enterprises Pvt. Ltd. Appellant

Vs

S Balasubramanian & Ors. Respondents

Present:

For Appellant: Ms. V. Mohana, Senior Advocate with Mr. S. Gowthaman, Ms. Nikita Capoor, Ms. M. Venmani and Mr. P. Eugin Vivek Kumar, Advocates.

O R D E R

20.08.2019 The Appellant has preferred this Appeal against the interim order dated 12th July, 2019 passed by the Adjudicating Authority (National Company Law Tribunal) Single Bench, Chennai, which reads as follows: -

“Counsel for the Applicant/ Shareholder is present. Counsels for the Respondents except R2 are present. The Applicant has prayed for a direction to the 1st Respondent Company to furnish the true and correct Statement of Account for the period from 01.04.2016 till date.

In this connection, the Applicant/ Shareholder is at liberty to ask for the appropriate documents, as per his entitlement, as provided in the Companies Act, 2013 and to seek the same from the 1st Respondent Company. In case the 1st Respondent

Company will refuse to provide the relevant information or do not respond to the same, the Applicant may specifically point out the instances or areas or the business concerns of the 1st Respondent Company, in relation to which the information/ documents are required for this information.

Accordingly, the Application stands disposed of.”

2. When it is pointed out that there is no specific prohibition imposed, learned Counsel for the Appellant submits that the Appellant has already raised the question of maintainability, which should be decided first. However, we are not making any observation as we are not inclined to interfere with the impugned order dated 12th July, 2019. The Tribunal may decide the question of maintainability at the time of hearing of the Company Petition. The Appeal stands disposed of. No cost.

[Justice S. J. Mukhopadhaya]
Chairperson

[Justice A.I.S. Cheema]
Member (Judicial)

[Kanthi Narahari]
Member (Technical)

Ash/GC

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