

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

**Company Appeal (AT) No. 143 of 2019**

**IN THE MATTER OF:**

**The Beneras Club Ltd.**

**.....Appellant**

**Vs.**

**Dr. Narendra Pratap Singh & Anr.**

**.....Respondents**

**Present :**

**For Appellant: Mr. Yash Anand, Mr. David A., Advocates**

**For Respondents: Mr. R.S. Suri, Senior Advocate, Mr. Aditya Giri,  
Advocates**

**O R D E R**

**01.07.2019** - Dr. Narendra Pratap Singh, the erstwhile member of the club filed an application u/s 59 of the Companies Act, 2013 for rectification of register of members. In the pending Company petition, the National Company Law Tribunal, Allahabad has passed the following Interim Order: -

*“Sh. R.P. Agarwal, Sr. Counsel along with  
Sh. Udai Chandani, Advocate for the  
petitioner, Sh. Shivendra Bahadur Singh,  
CGSC for ROC are present.*

*Contd.*

*However, today there is no representation from the respondent company side, despite proper service of notice. In view of this, the case is fixed for filing reply by the ROC as well as by the respondent company by another two weeks.*

*Meanwhile, considering nature of the interim prayer being sought for and urgency in the matter, we are of the view that the petitioner must be permitted to participate in the activities and facilities of the club being provided to him as a Member of the Club. However, it is further made clear that our order could not be purported to exercise voting right. Petitioner is directed to serve the spare copy of the present company petition to the ROC as well as to the Club by the Registry of this Tribunal.*

*List the matter on 29<sup>th</sup> July, 2019.” ...contd.*

Learned counsel on behalf of the Appellant is referring to the '*Articles of Association*' to argue the case on merit, but we are not inclined to decide the case on issue as determined by the Tribunal wherein they permitted the facilities of the club without power of exercise voting right. No interference is called. The appeal is dismissed. No costs.

[Justice S. J. Mukhopadhaya]  
Chairperson

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

[Kanthi Narahari]  
Member (Technical)

ss/gc