



**IN THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

Company Petition No. 122 of 2022

In the matter of:

The Companies Act, 2013;

-And-

In the matter of:

A petition for section 97(1) of the Companies Act, 2013 read with rule 74 of the National Company Law Tribunal Rules, 2016;

-And-

In the matter of:

Dilip Kumar Jaiswal, holding 11500 shares of Prem Tradecom Private Limited residing at C/o, White House Near Suruchi Bazar Keonjhar, Joda- 758034.

...Petitioner

Versus

In the matter of:

Prem Tradecom Private Limited [CIN: U51109WB2007PTC120698], a company incorporated under the Companies Act, 1956 and having its Registered Office at Space Town Complex, VIP Road, Raghunathpur Block-2 Unit- 3d, 3rd Floor, Kolkata- 700052.

...Respondent

Date of Hearing: 14.06.2022

Date of pronouncement of the Order: 05.07.2022

Coram:

Shri Rohit Kapoor : Member (Judicial)

Shri Harish Chander Suri : Member (Technical)

Appearances through Hybrid Mode:

For the Petitioner:

1. Mr. Mohan Ram Goenka, PCS
2. Ms. Sneha Khaitan, PCS

For the Respondent:

Ms. Tanvee, PCS

ORDER

Per: Rohit Kapoor, Member (Judicial)

1. The court convened *via* hybrid mode.



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2. The present Company Petition has been filed by member/shareholder Mr. Dilip Kumar Jaiswal son of Shri Shiv Monakh Jaiswal, holding 11500 shares, representing 9.58% of the total issued, subscribed and paid- up share capital of the Respondent Company.
3. The Respondent Company, Prem Tradecom Private Limited was incorporated in 29 November 2007 under the Companies Act 1956. There are eleven shareholders of the respondent Company as in the Financial Year 2019-2020.
4. The last Annual General Meeting of the Respondent Company was held on 31 December 2020 for the financial year ending on 31 March 2020.
5. The Petitioner approached the Respondent Company for holding the Annual General Meeting for the financial year ending on 31 March 2021, the Respondent Company replied that the financial statements of the company could not be made ready due to Covid-19 situation which resulted in delay in accumulation of data and the non-readiness of the financial statement is also due to the medical issues of the person managing and looking after the accounts of the respondent company.
6. The Petitioner states that as the Respondent Company herein could not get its account audited on time therefore the Annual General Meeting could not be held within stipulated time period for the financial year ending on 31.03.2021 as required under section 96 of the Companies Act, 2013.
7. We have heard the learned Authorised Representative appearing for the Petitioner and the learned Authorised Representative appearing for the Respondent.
8. 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 physical meeting of its members on or before 08.08.2022 to approve the Annual Financial Statements for the financial year 2020-2021.



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- (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) Covid- 19 protocols and precautions in terms of directions issued by the Government and other public authorities shall be strictly adhered at such meetings.
 - (e) 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.
9. The **C.P. No.122/KB/2022** shall be disposed of accordingly.
10. 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. Registry is also directed to send a copy of this Order to the Registrar of Companies, West Bengal, Kolkata.
11. Certified Copies of this order may be issued, if applied for, upon compliance of all requisite formalities.
12. File be consigned to records.

Harish Chander Suri
Member (Technical)

Rohit Kapoor
Member (Judicial)

Order pronounced on the 5th day of July, 2022.

GGRB_LRA