



**IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH, (COURT NO.-II)
KOLKATA**

Company Petition No. 216/KB/2022

***A petition under section 97(1) of the Companies Act, 2013 read with Rule 11
and Rule 74 of the National Company Law Tribunal Rules, 2016;
-And-***

In the matter of:

Gourango Putatunda, S/O Gopal Putatunda, being a member/shareholder of Espacio Aeronext Private Limited (holding 5000 equity shares) residing at Oishorjo Apartment, 3rd Floor FL 3/c, 282 Pulin Avenue, Rajbari, Dumdum(m), North 24 Parganas, West Bengal-700081

...Petitioner

Versus

In the matter of:

- 1) **Espacio Aeronext Private Limited**, a company incorporated under the Companies Act, 2013, having CIN: U74999WB2019PTC232025, and having its registered office at 32 Ezra Street, 8th Floor, Room No. 866 North Block, Todi Corner Kolkata-700001.
- 2) **The Registrar of Companies**, West Bengal, having its office at 234/4, Acharya Jagadish Chandra Bose Road, 2nd Floor, Nizam Palace, 2nd MSO Building, Kolkata-700020.

...Respondents

Date of Hearing: 21.02.2023

Date of pronouncement: 09.06.2023

Coram:

Shri.Bidisha Banerjee: Member (Judicial)

Shri.Balraj Joshi: Member (Technical)

Appearances (via Hybrid Mode):

For the Petitioner:

Mr. Anil Kumar Dubey, PCS

For the Respondent No.1:

Ms. Aditi Jhunhunwala, PCS



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Gourango Putatunda
vs.
Espacio Aeronext Private Limited
Company Petition No. 216 of 2022

ORDER

Per: Balraj Joshi, Member (Judicial)

1. The court convened today by hybrid mode.
2. The present Company Petition under section 97(1) of the Companies Act, 2013, has been filed by a member/ shareholder **Mr. Gourango Putatunda** son of Gopal Putatunda holding 5000 equity shares, seeking the Tribunal's orders for calling the Annual General Meeting of the Respondent Company for the Financial Year ending on 31.03.2021, within 60 days from the date of such order.
3. **Submissions of the Petitioner:**
 - 3.1 The Respondent Company, **Espacio Aeronext Private Limited** was incorporated on 22nd May 2019 under the Companies Act 2013.
 - 3.2 The last Annual General Meeting of the Respondent Company was held on 21st December 2020 for the financial year that ended on 31st March 2020.
 - 3.3 The Petitioner approached the Respondent Company for holding the Annual General Meeting for the financial year ended 31st March 2021, the Respondent Company replied that the compilation of Annual Accounts for the year 2020-2021 took more time due to the dispute between Company and the auditor. Further M/s. Mukherjee & Co., Chartered Accountant (FRN302025E), Kolkata resigned from the post of auditor and M/s. Surendra Yamuna & Associates (FRN324040E), Kolkata got appointed as the new auditor on 2nd August 2021 of the company which has resulted in a delay in the accumulation of data and the non-readiness of the financial statement of the respondent company. A Copy of Form ADT-1



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along with challan for Appointment is annexed with the application being **Annexure-A-7** at **Page No(s). 88-91**.

3.4 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 the stipulated time period for the financial year ending on 31st March 2021 as required under section 96 of the Companies Act, 2013.

4. We have heard the learned Authorised Representative appearing for Respondent No.1. The Ld. Authorised Representative for the respondent does not have any objection to the application being allowed.

5. Accordingly, We hereby, give the following directions in the exercise of the powers conferred on this tribunal under section 97(1) of the Companies Act, 2013 read with Rule 11 and Rule 74 of the National Company Law Tribunal Rules, 2016:

- (a) The Respondent Company shall call, convene and hold a meeting of its within 45 days from the issue of this order, to approve the Annual Financial Statements for the Financial Year ended 31st March 2022.
- (b) Such meeting shall be deemed to be an Annual General Meeting of the Company.
- (c) Notice shall be issued to all the members in accordance with section 101 of the Companies Act, 2013.
- (d) Covid-19 protocols and precautions in terms of directions issued by the Government and other public authorities shall strictly adhere at such meetings.



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- (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.
6. 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.
7. Registry is also directed to send a copy of this Order to the Registrar of Companies, West Bengal, Kolkata.
8. Certified Copies of this order may be issued, if applied for, upon compliance with all requisite formalities.
9. The **C.P. No. 216/KB/2022** shall be disposed of accordingly.
10. File be consigned to records.

Balraj Joshi
Member(Technical)

Bidisha Banerjee
Member (Judicial)

Order Signed on the 9th Day of June 2023

A.S.LRA