

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****COMPANY APPEAL NO. 53 OF 2015
IN
CLB COMPANY APPLICATION NO. 30 OF 2013
IN
CLB COMPANY PETITION NO. 1 OF 2013**

New Bombay Merchants Common Warehouse ...Appellant
vs.
M/s.Navi Mumbai Merchants Chamber & Ors. ...Respondents

WITH**COMPANY APPEAL NO. 55 OF 2015
IN
CLB COMPANY APPLICATION NO. 30 OF 2013
IN
CLB COMPANY PETITION NO. 1 OF 2013**

M/s.Navi Mumbai Merchants Chamber & Ors. ...Appellants
vs.
New Bombay Merchants Common Warehouse ...Respondent

Mr.S.U. Kamdar, Senior Advocate with Shoma Maitra i/b. Wadia Ghandy & Co.
for Appellant in Coapp 53/2015 and for Respondent No.1 in Coapp 55/2015.
Mr.Chetan Kapadia, Sunil Tilokchandani with Ms.Subhasree Chatterjee i/b.
Manilal Kher Ambalal & Co. for Respondent in Coapp 53/2015 and for Appellants
in Coapp 55/2015.

CORAM : S.C. GUPTE, J.**9 OCTOBER 2015****P.C. :**

Both company appeals are disposed of by consent of the parties by
modifying the impugned order of the CLB to the following extent:

- (a) Unaudited financials referred to in para 6(a) of the original company
application shall be deleted from the order. Accordingly,
Respondent No.1 – New Bombay Merchants Common Warehouse
Ltd. shall be required to give inspection only of audited financial
statements including balance sheet, etc. referred to in para 6(a);

- (b) The order directing inspection of all registers maintained by the company as part of para 6(p) of the original application is set aside. It is clarified that registers and records concerning share application and allotment as also members and directors, shareholding changes, contracts and transfers as also Minutes books and attendance registers, which form part of item 6(g), are already allowed by the CLB in the impugned order and which part is confirmed by this order.
- (c) The receipts issued by Respondent No.1 for payment of contribution by allottees in accordance with para 6(f) of the original application shall be given inspection of by Respondent No.1 to the Appellants. Accordingly, inspection of documents covered in para 6(f) is allowed.
- (d) So also, the prayer for inspection of receipts issued by Respondent No.1 for payment of share application money in terms of para 6(h) of the original application is allowed.
- (e) Inspection of documents such as details / list of traders, allottees of godowns who have transferred their rights / interests in terms of para 6(j) of the original application is allowed.
- (f) The inspection of record and details pertaining to shareholding patterns and share transfers of Respondent No.1 in terms of para 6(o) of the original application is allowed.

(S.C. Gupte, J.)