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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 4211/2024

SURESH LAXAMAN RAHANGDALE

.....Petitioner

Through: Mr. Bishwajit Dubey with Mr.
Jaideep Singh Khattar & Mr. Aaditya
Gore, Advs.

versus

**REGISTRAR NATIONAL COMPANY LAW TRIBUNAL NEW
DELHI AND ORS**

.....Respondents

Through: Mr. N. P. S. Chawla, Ms. Nishtha
Khurana, Mr. Aarsheya Sharda & Ms.
Aayushi Jain, Advs for R-2 to 4.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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24.12.2024

CM APPL. 76233/2024 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

CM(M) 4211/2024 & CM APPL. 76232/2024 (to take dim annexures on record)

1. This is petition under Article 227 Constitution of India seeking stay of Annual General Meeting [“AGM”] and for direction of early hearing of application filed in Company Petition No. 160/2024 pending before the National Company Law Tribunal [“NCLT”].
2. The company petition was filed by the petitioner before the NCLT. Respondent No.2 & 3 filed another petition alleging fraudulent transactions by the petitioner in his role as Managing Director.



3. It is submitted that petitioner filed an application for interim relief. After hearing arguments, NCLT has reserved the matter for orders.
4. On 17.12.2024, Divyanshi Aviation Services Pvt. Ltd. (DASPL) issued notice for AGM scheduled for 31.12.2024.
5. Petitioner filed another interim application on 16.12.2024 before NCLT.
6. Learned counsel for the petitioner submits that NCLT declined to allow the listing of the said application. The present petition has been filed for stay of the AGM scheduled for 31.12.2024 till such time the order on interim application are passed by the NCLT.
7. Petition has been vehemently opposed by learned counsel appearing for respondent No.2 & 3 submitting that on 18.12.2024, the petitioner mentioned the matter before NCLT for listing on 19.12.2024, directions were issued by NCLT to the petitioner to follow the procedure under the NCLT rules for urgent mentioning.
8. However, instead of following such procedure, petitioner preferred to file the present petition.
9. It is further submitted that Vacation Bench of NCLT is functioning during winter vacations and therefore, the present petition filed before this Court is not maintainable.
10. Learned counsel for the respondents has drawn attention of the Court to section 96 of the Companies Act, 2013 which mandates that AGM is to be conducted within a period not more than 15 months from the date of previous AGM of the company.
11. Keeping in view the fact that petitioner has also filed an application before the NCLT for interim remedy and NCLT has already directed the



petitioner to follow the process of urgent listing and the said application is not withdrawn till date and also the fact that the AGM is to be conducted within a period of 15 months and the meeting notice was issued way back on 17.12.2024, this Court is not inclined to grant any interim relief to the petitioner.

12. The petition is dismissed with liberty to the petitioner to press the relief claimed before the Vacation Bench of NCLT as per the law and procedure.

RAVINDER DUDEJA, J

DECEMBER 24, 2024

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