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

+ **CS(OS) 736/2024**

ANASTASIA MIRJANA JOJIC OBEROI & ORS.Plaintiffs

Through: Mr.Sandeep Sethi, Sr. Adv. Mr.Arun Kathpalia, Sr. Adv. with Mr.Swapnil Gupta, Ms.Shivambika Sinha, Ms. Nimita Kaul, Mr. Ujjal Banerjee, Mr. Aadil Singh Boparai, Mr. Siddhant Sarawat, Mr.Saurabh Dev Karan Singh,Mr.Abhinav Mishra, Mr.Vaibhav Mendiratta, Mr. Anmol Sehgal, Ms. Pragya Dhoundiyal, Mr. Aravind Vishnubhotla Advocates for P-1 and 3.

Mr. Aadil Singh Boparai, Mr.Swapnil Gupta, Ms. Shivambika Sinha, Ms. Nimita Kaul, Mr.Ujjal Banerjee, Mr. Siddhant Sarawat, Mr. Saurabh Dev Karan Singh, Mr.Abhishek Dubey, Ms. Pragya Dhoundiyal, Mr. Aravind Vishnubhotla ,Mr.Abhinav Mishra, Mr. Anmol Sehgal, Mr. Vaibhav Mehdiratta, Advocates for P-2.

versus

RAJARAMAN SHANKAR & ORS.Defendants

Through: Mr Shankh Sengupta, Mr Ribhu Garg, Mr Shreyash Sharma, Advocates for defendants No.1, 2 & 3

Mr. Narendra M Sharma, Ms. Shubhangi Tiwari and Ms. Sahana S

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Narayanan, Advocates for Defendants
No.4 and 9

Mr. Neeraj Kishan Kaul, Sr Adv, Mr.
Aseem Chaturvedi, Mr. Aakash Bajaj,
Mr. Shivank Diddi, Ms. Prerona
Banerjee, Ms. Sania Abbasi,
Advocates for Defendants No.5 & 6

Mr. Mukul Rohotgi, Sr. Adv., Mr. Raj
Shekhar Rao, Sr. Adv., Mr. Aman
Gupta, and Mr. Akarsh Pandey,
Advocates for Defendant No.7

Mr. Rajiv Nayyar, Sr. Adv., Mr.
Aman Gupta, and Mr. Akarsh
Pandey, Advocates for Defendant No.
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CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
05.11.2024

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I.A. 43492/2024

1. This application has been filed by the Plaintiffs under Order XXXIX, Rules (1), (2) & (2A) read with Section 151 CPC.
2. It is the contention of the Plaintiffs that in terms of the Order dated 12.09.2024, the Defendant No.1 is not entitled to attend, or be counted towards quorum, on agenda for re-appointment of Directors. Defendants, dispute this contention.
3. The Defendant No. 5 and 6 contend that the application is premature, is not maintainable and no cause of action exist for the same. It is stated that as the AGM is to be held today, i.e. 05.11.2024, and in view of paucity of time, it is submitted that even prior to filing of the application, Defendant



No. 6, on behalf of Defendant No. 5 and himself had assured the Plaintiff No. 1 that she will be appointed as director of Defendant No. 7 and 8 Companies at the forthcoming AGM on 05.11. 2024 and that this assurance continues today as well.

4. The Plaintiffs contend that the application was necessary as in terms of the Order dated 12.09.2024, Defendant No. 1 could not attend the AGM for the reappointment of the directors and as per Section 152(7) of the Companies Act 2013, all directors of the Defendant Nos. 7 and 8 companies would be deemed to have been reappointed.

5. In light of the above, with consent of parties, and without prejudice to their respective contentions, Defendant No.1 will attend the AGM of Defendant No.7 and Defendant No.8 to be held on 05.11.2024 and participate and vote on the re-appointment of all directors for the limited purpose of the AGM scheduled today, i.e. 05.11.2024, on the assurance that all directors will be reappointed at the AGM. It is made clear that this consent and order is limited to the AGM of 05.11.2024 and shall not act as a precedent. All contentions of the parties, including interpretation of the Order dated 12.09.2024 and maintainability of the suit / application are left open.

6. List on 12.12.2024 before the concerned Joint Registrar.

SUBRAMONIUM PRASAD, J

NOVEMBER 05, 2024

Rahul