

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPEAL NO. 30 OF 2014

SHRI RAJIV KANT LAXMAN)...APPELLANT

V/s.

BOBBY ELECTRONICS PRIVATE LIMITED & ORS.)...RESPONDENTS

WITH

INTERIM APPLICATION (L) NO.30279 OF 2022

IN

COMPANY APPEAL NO. 30 OF 2014

WITH

INTERIM APPLICATION (L) NO.29050 OF 2022

IN

COMPANY APPEAL NO. 30 OF 2014

Mr.Vishal Kanade a/w. Ms.Tanaya Patankar i/by B. Legal, Advocate for
the Appellant.

Ms.Krupali Rajane a/w. Ms.Aafreen Shaikh a/w. Ms.Nikita Bhosale,
Advocate for the Respondents no.1 and 2.

CORAM : ABHAY AHUJA, J.

DATE : 29th NOVEMBER 2024

PC. :

1. Pursuant to order dated 13th September 2024, today when the
matter is called out, Mr.Vishal Kanade, learned Counsel, appearing for
the Appellant submits that since this Appeal is under Section 10F of the
Companies Act, 1956, four substantial questions of law have been
formulated. Learned Counsel tenders across the bar the four

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substantial questions of law which are reproduced as under :

Substantial Questions of Law

- (1) Whether the learned CLB was right in not giving any findings on the issue of siphoning off of funds by Respondent no.2 and Respondent no.4 on the ground of the issue being allegedly infructuous ?
- (2) Whether the learned CLB was justified in its finding that appointment of Respondent no.3 and Respondent no.4 was not illegal, despite giving a finding that it is not certain from the record whether appointment of Respondent no.3 and Respondent no.4 was regularized in the subsequent EGM or not ?
- (3) Whether the learned CLB was justified in rejecting the allegations of the Petitioner that the Respondents have altered the share capital of the company without following due process of law, despite giving a finding that “the holding of EGM and allotment of impugned shares may not be strictly in accordance with the provisions of the Act...”?
- (4) Whether the learned CLB was justified in giving a finding that the Petitioner has suppressed material facts, when a bare perusal of the complaint/petition clearly shows that the Petitioner has disclosed the fact of filing of the Suit in his pleadings ?

2. Learned Counsel has made his submissions with respect to Question No.4 on delay as well as suppression.

3. For Mr.Kanade to continue his arguments with respect to Questions No.1, 2 and 3 as above, list on **17th January 2025 at 3.30 p.m. as part heard.**

(ABHAY AHUJA, J.)