

AD -7
Ct No.16
02.02.2026
(SSS)

FMA 1014 of 2023
with
CAN 1 of 2024

City Devcon Private Limited and Ors.
Vs.
Amit Kumar Ghosh and Anr.

Mr. Ayan Banerjee,
Ms. Debasree Dhamali,
Ms. Riya Ghosh, Advs.
....For the appellants.

1. The present appeal arises out of the refusal of ad-interim injunction in respect of a suit filed by the plaintiffs/appellants, primarily challenging a Board resolution of the appellant no. 1 company on the ground that the same is vitiated by fabrication and forgery perpetrated by the defendants/respondents.

2. Learned counsel appearing for the appellants submits that the learned Trial Judge, despite having arrived at the finding that in an order of the National Company Law Tribunal, there was mention of the fact that both sides had indulged in acts of forgery and fabrication of signature, refused to grant ad-interim injunction on the ground that the shareholding pattern of all the parties have not been disclosed.

3. Learned counsel submits that from the plaint itself and the documents annexed to the plaint and injunction application, it would be evident that the shareholding pattern of the defendants is admitted by the defendants, which was established by *prima facie* documentary evidence before the Trial Court.

4. On a perusal of the order dated May 20, 2022 passed by the National Company Law Tribunal, Kolkata Bench-I, we find that in paragraph no. 8 thereof, there was a finding that a bare perusal of the petition before the NCLT revealed, in the opinion of the NCLT, that both sides had indulged in acts of forgery and fabrication of documents, which behaviour, it was held, disentitled one to obtain interim reliefs from the Courts.

5. Thus, even on a *prima facie* footing, we find from the records that there was an apprehension on the part of a competent forum about indulgence by both sides in forgery and fabrication of signatures. Thus, it cannot be said that no *prima facie* case for grant of injunction, on the ground of alleged fabrication and forgery, was made out by the plaintiffs/appellants.

6. That apart, it *prima facie* also appears that the reliance of the learned Trial Judge on shareholding pattern is rather immaterial for the consideration of fraud and even if material, the

same was *prima facie* established from the documents where the defendants have admitted their shareholding pattern in respect of the company.

7. In such view of the matter, the appeal is required to be heard on the above questions.

8. Accordingly, FMA 1014 of 2023 is admitted to be heard on the grounds indicated above and the other grounds taken in the memorandum of appeal.

9. The respondents and their men and agents shall remain restrained by an order of injunction from taking any action in furtherance of or pursuant to the Board resolutions impugned in Title Suit No. 1573 of 2023 till March 31, 2026 or until further order, whichever is earlier.

10. The appellants shall serve copies of CAN 1 of 2024 as well as copies of the memorandum of the appeal on the respondents, indicating that the application shall next be listed for hearing on February 23, 2026, when an affidavit of service in that regard shall be filed by the appellants.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)