

10.09.2024

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CRR No. 4634 of 2023
(CRAN 1 of 2024)
In Re: Marverick Trading Pvt. Ltd. & Ors.

Mr. Debashis Sinha
Mr. Jayabrata Mukherjee
Mr. Rishav Ray
Ms. Tulika Dey
... For the Petitioners
Mr. Rajendra Banerjee
Mr. Pradyat Saha
... For the Opposite Party

Affidavit of service filed on behalf of the petitioners is taken on record.

Heard learned counsels for the parties.

Learned counsel for the petitioners submits that the allegation against the petitioners is violation of Section 96(1) of the Companies Act, 2013 for the financial year 2016-17. Learned counsel submits that the annual general meeting of the company for year 2016-17 which was supposed to be held within 30th September, 2017 and in fact held belatedly on 9th March, 2018. The complaint is also barred by limitation.

Per contra, learned counsel for the opposite party refers to Section 470 of the Code of Criminal Procedure and submits that sanction for filing of prosecution against the company was received by the office of the complainant on 7th July, 2021 and the complaint was filed well within the statutory period of time.

Learned counsel seeks to submit a report in the form of affidavit in this regard.

The matter needs to be heard on merits.

Let the matter appear under the heading 'Contested Application' on 22nd November, 2024.

Further proceedings of complaint case being C/1880/2022 pending before the learned Judicial Magistrate, Alipore be stayed till 30th November, 2024 or until further orders, whichever is earlier.

CRAN 1 of 2024 is disposed of.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)