

Doypack Systems Pvt. Ltd.

Vs

Union of India and Others

Civil Miscellaneous Petition No. 6252 of 1988 in Special Leave Petition (Civil) No. 4826 of 1987

(Sabyasachi Mukharji, S. Ranganathan JJ)

25.02.1988

ORDER

1. Mr. Deepak Diwan, a Director of the Company of M/s. Doypack Systems Pvt. Ltd. assisted by Shri K. S. Metha, Chartered Accountant of S. S. Kothari & Company on behalf of M/s. Doypack Systems Pvt. Ltd. draws our attention to certain developments in the matter in which we have delivered the judgment on February 12, 1988 (Doypack Systems (P) Ltd. v. Union of India, (1988) 2 SCC 299). By the said decision in the judgment we had directed that the 17th Annual General Meeting of Swadeshi Polytex Ltd. should be held in accordance with law under the Chairmanship of Shri Jaswant Singh a former Judge of this Court. We are informed today that Meeting has been convened to be held on March 28, 1988. We direct that the Meeting be held irrespective of any order of any court or any authority as we had indicated and irrespective of any prayer for adjournment. Decisions taken at that Meeting would be implemented within the purview of the companies law. Any decision of the Board convening the 18th Annual General Meeting must await the result of the 17th Annual General Meeting as well as any other directions to be obtained by any of the parties from this Court. We are concerned to learn that in spite of categorical and clear indications in the judgment indicated above, problems which are trivial in nature, but consequences of which may be serious, are alleged to have been attempted. We make it clear that if it appears to us that is so, we will be constrained to take very serious view of the matter. We do hope that the decision of this Court would be implemented in the manner it was given and was intended to be given in its letter and spirit.

2. We make further clear that there will be no co-option of any directors from today till the holding of the 17th Annual General Meeting.

3. Shri A. N. Kukreja, Secretary of NTC is present in the court. We are informed by Mr. Deepak Diwan that notice of this mentioning has been served on the advocate-on-record for respondents of M/s. Swarup John & Co. We do not find anybody present on their behalf. The 17th Annual General Meeting should take up matters strictly in accordance with the agenda of the Meeting already circulated and no other matter. Let this matter come up on or about March 15, 1988.

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