

St. Mira's College for Girls,  
(Autonomous-Affiliated to Savitribai Phule Pune University)  
Class: SYBCOM  
Subject: Corporate Law  
Subject Code: C41605  
SEM IV  
(2017-18)

Unit 1: Corporate Democracy

Skill Development – Analytical ability – understanding different provisions of the New Companies Act, with the help of Case Studies

09/10  
MSB

St. Mira's College for Girls  
(Autonomous-Affiliated to Savitribai Phule Pune University)  
Subject: Corporate Law  
Title of the Paper: Corporate Accountability  
(S.Y.B.Com A - Sem IV)  
(Flexi Test II) 2017-2018

Date: 20 February 2018  
Name: NAZNIKI BANO  
Set 2

Total Marks: 10  
Roll No.: 3619

Comment on the following case:

Articles of Association of Sunrise Ltd. provides for 3 people personally present to constitute the quorum. Is it a valid number? Comment on the provisions of the New Companies Act, 2013, relating to quorum at general meetings.

Held :- It is not valid <sup>number for</sup> quorum to constitute ~~for~~ the meeting as per the requirements for public Ltd Co.

Rules relating to Quorum for Annual general meetings:

- ① For deciding quorum the members must be present ~~per~~ personally and no proxies is to be counted.
- ② Minimum 5 members should be present personally for public Ltd company and minimum 2 members should ~~present~~ personally for private Ltd company.
- ③ If the quorum is not present <sup>within 1/2 hour of</sup> ~~at~~ time as given for the meeting, then the meeting will adjourned for next week, same day and same time.
- ④ If at adjourned meeting also the quorum will not present within 1/2 hour, then the members present for meeting will considered as quorum.



  
Principal Incharge  
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- 3) The Article of Association may provide for larger quorum but not for smaller quorum than the statutory minimum.
- 6) The quorum - a quorum is required at the beginning of the meeting.
- 7) The joint shareholder is treated as single member for the quorum.

### Facts and analysis of the case:

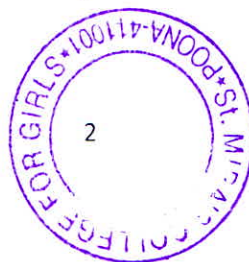
As in the case of Sunrise Ltd which is public Ltd company. So, the rules relating to public Ltd company as per the provisions of the new Companies Act 2013 for public limited company minimum 5 members should be present personally to constitute the meeting and making the meeting valid, which is statutory minimum.

The Article of Association of company may made the provision of larger quorum than statutory minimum but not smaller quorum.

In this case but in ~~case~~ this case of Sunrise Ltd, the Article of Association provide ~~for~~ <sup>that</sup> 3 members personally present for to constitute the meeting which is invalid as per the rules for quorum. It is smaller than statutory minimum.

Meenakshi Wagh Ms Wagh

Name and Signature of the Faculty:  
Dr. Meenakshi Wagh



  
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