

NATIONAL COMPANY LAW TRIBUNAL ITEM NO : 17
ALLAHABAD BENCH

CP NO.155/ALD/2019, CA NO.210/2019

ATTENDANCE - CUM-ORDER SHEET OF THE HEARING OF ALLAHABAD BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 18.12.2020 AT 10:30 THROUGH VIDEO CONFERENCING.

NAME OF THE COMPANY : SHEO KUMAR AGARWAL V/S YASHWI MOTORS PVT. LTD.

SECTION : 241/242 OF COMPANIES ACT, 2013

PRESENT : HON'BLE MR. JUSTICE (RETD.) RAJESH DAYAL KHARE, MEMBER (J)

COUNSEL FOR PETITIONER : SH. ABHISHEK MISHRA, PCS.

COUNSEL FOR RESPONDENT/ (APPLICANT IN CA NO.210/2019)

**: SH. NESAR AHMAD ALONGWITH
SH. ANIL KUMAR, PCS.**

COUNSEL FOR BANK OF INDIA : SH. PRABODH KUMAR BAJPAI, ADV.

COUNSEL FOR RES. NO.6 : SH. RAVI PRAKASH SRIVASTAVA, ADV.

CP NO.155/ALD/2019, CA NO.210/2019

The matter was taken up today through Video Conferencing.

Heard Sh. Abhishek Mishra, PCS for the petitioner, Sh. Nesar Ahmad alongwith Sh. Anil Kumar, PCS for (Applicant in CA NO.210/2019)/ respondent, Sh. Prabodh Kumar Bajpai, Advocate for Bank of India and Sh. Ravi Prakash Srivastava, Advocate for respondent no.6/ HDFC Bank through video conferencing.

A perusal of the earlier order of this Court dated 11.11.2020 shows that the last opportunity was given to the newly impleaded respondents i.e. Banks for filing reply.

Sh. Anil Kumar, PCS states that till date no reply has been received by him on behalf of the Banks.

Today, Sh. Ravi Prakash Srivastava, Ld. Counsel has put in appearance on behalf of respondent no.6/ HDFC Bank and he prays that sometime may be granted to him for filing reply. He further states that he filed his appearance yesterday. As last opportunity was granted to the Banks/ newly impleaded respondents for filing reply, which has not been done.

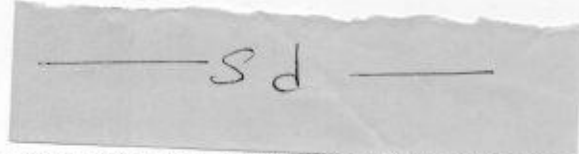
Ld. PCS Sh. Anil Kumar further states that atleast one Bank account maintain either in HDFC or Corporation Bank ^{ab-} permitted to be operated, so that the payment of suppliers and other necessary routine business may be conducted.

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Sh. Ravi Prakash, Ld. Counsel for the respondent no.6/ HDFC Bank has stated that the criminal proceedings are pending and chargesheet has already been filed for impazzlement of the account and therefore such permission need not be granted.

However, there is nothing on record on behalf of the newly impleaded Banks as Sh. Ravi Prakash, Ld. Counsel has put in appearance for the first time.

Accordingly, put up on 8th January, 2021 before the Regular Court/ through Video Conferencing, by which time, HDFC Bank/ Respondent no.6 may file its reply, failing which, appropriate orders for de-freezing of the account for limited purposes may be considered.



Dated : 18.12.2020

**JUSTICE RAJESH DAYAL KHARE
(MEMBER JUDICIAL)**

Typed by :
Kavya Prakash Srivastava
(Stenographer)