

**IN THE NATIONAL COMPANY LAW TRIBUNAL
CHANDIGARH BENCH, CHANDIGARH**

CP No.192/Chd/Hry/2018

In the matter of:-

M/s Enso Infrastructures Pvt. Ltd.

...Petitioner

Versus

M/s IL & FS Rail Ltd. and Others

...Respondent

Present: Mr. Virender Ganda, Senior Advocate, with Mr. Rajnish Sinha and Ms. Shelly Khanna, Advocates, for the Petitioner
Mr. Anand Chhibbar, Senior Advocate, with Mr. Gaurav Mankotia, Mr. Dinesh Pardasani and Ms. Ashly Chedian, Advocates, for the Respondent Nos. 1 and 2

The learned Senior Counsel for the petitioner, *inter alia*, contends that the petitioner is holding more than 15% shares of respondent No.1. The learned Senior Counsel further refers to some of the documents in respect of the Contractors, to whom work orders were granted and within two weeks payments were made immediately after the bills were submitted.

The learned Senior Counsel also submits that the controlling person of the Contractor made a statement before the Income Tax Department to the effect that they were engaged only in providing bogus bills and accommodation entries.

Notice of this petition to the respondents for 14.11.2018.

Mr. Gaurav Mankotia, Advocate, accepts notice for respondent Nos. 1 and 2 and files his memo of appearance.

Mr. Anand Chhibbar, learned Senior Counsel, for respondent Nos. 1 and 2 submits that Mr. Sanjay Drolia, whose statement was recorded by the Income Tax Department was commented upon in paragraph No. 5 of the order (Page 587 of the petition), but on the other side, the learned Senior Counsel for

the petitioner submits that these are only the contentions of respondent No.1, but the findings of the Assessing Officer of the Income Tax Department, are arrived at Page No. 611 of the paperbook. We however, would not like to comment upon any of these aspects at this stage.

Notice Dasti to the other respondents, as prayed.

The learned Senior counsel for the petitioner also made interim prayers for interim relief sought in the instant petition. The learned Senior Counsel for respondent Nos. 1 and 2 on instructions submits that the percentage of shareholding of the respondent No.1-company would not be changed. This submission is taken on record.

With regard to the prayer of the inspection of statutory record, the learned Senior Counsel for the petitioner submits that he will communicate with respondent No.1 by e-mail that he needs to carry out the inspection of particular records and in case the respondents do not allow the inspection, the petitioner can come to this Tribunal.

The learned Senior Counsel for the respondent Nos. 1 and 2 submits that he will argue the entire matter on the next date.

The reply, if any, be filed by 26.10.2018 with copy advance to the counsel opposite and the rejoinder thereto, if any, be filed at least two days before the date fixed with copy advance to the counsel opposite.

Sd/-
(Justice R.P. Nagrath)
Member (Judicial)

Sd/-
(Pradeep R.Sethi)
Member (Technical)

October 5, 2018
Mohit Kumar