

NATIONAL COMPANY LAW TRIBUNAL  
MUMBAI BENCH, MUMBAI

(49) C.P:-270/241-242/(MB)/2018  
IA 71/2018

CORAM: Present : SHRI M.K. SHRAWAT  
MEMBER (J)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL  
COMPANY LAW TRIBUNAL ON 28.09.2018

NAME OF THE PARTIES: Essilor India Pvt. Ltd.  
V/s  
Mahendra Kumar Gupta & Ors.

SECTION OF THE COMPANIES ACT: 241-242

**ORDER**

1. The Learned Representatives of both the sides are present.
2. The matter is adjourned to **29.10.2018**.

SD/-

**M.K. SHRAWAT**  
**Member (Judicial)**

**28.09.2018.**

HHS

*IA 71/2018  
adjourned of note  
separate detailed  
order dated 28/9/2018*

SD/-

**M. K. Shrawat**  
Member (Judicial)  
Govt. of India  
National Company Law Tribunal  
Mumbai Bench, Mumbai

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**INTERIM ORDER**

1. A Miscellaneous Application is submitted on 25.09.2018 by the Applicant M/s. Essilor India Private Limited seeking relief as below:-  
*"That the statement of the Applicant to the effect that the Applicant is willing to sign audited statement of account of the Company for the financial year 2016 without prejudice to rights, claims, contentions and averments as raised and/or stated in the pleadings before this Hon'ble Tribunal and/or otherwise in connection with the Company Petition No. [270/2018] pending for adjudication before this Hon'ble Tribunal. That in the interest of the Company, to avoid Company being declared as NPA and in order to ensure the statutory compliances, without accepting the correctness of what is stated in the audited financial statement of accounts, be recorded."*
2. While discussing this Interim Application it is informed that a Petition has been filed bearing CP No. 270/2018 under the provisions of section 241 and 242 of Companies Act, 2013 raising the issue of Operation and Mismanagement. It has also been alleged in the said Petition that the Company had failed to file Financial Statements from financial year 2016 onwards. In this regard attention was drawn on an observation recorded in the Order Sheet dated 19.07.2018, quote *"In addition to this controversy he has also made a submission that although statement of account for the last financial year have been finalized but not yet signed. Due to which the statutory compliances could not be made. To stop continuance of default of non-filing, the parties be directed to immediately sign the audited accounts."*, unquote.
3. In view of the above background it is now suggested that the parties are in agreement to sign the statement of Accounts for the Financial year 2015-16 and onwards so that the Statutory Compliance to be made before various Government Authorities ~~be made~~ at an early date <sup>me</sup> to avoid the continuance of default. It has also been mutually agreed  
..(2)..

..(2)..

that although the Balance Sheet with Annexures be signed by the Rival sides but that does not prejudice their respective rights, claims, contentions and a averments as raised in the pleadings pertaining to the main Petition.

4. Considering the Consent of both the sides an observation is hereby made that a wise decision has been taken by the parties which shall save the Company from the default of non-compliance. Ordered accordingly.
5. It is hereby directed to complete the pleadings on or before the next date of hearing, which is already adjourned to **29.10.2018**.

SD/-

**M.K. SHRAWAT**  
**Member (Judicial)**

**28.09.2018.**

HHS