

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI

PRINCIPAL BENCH

CP-143(ND)/2013

IN THE MATTER OF:

Rockman Advertising &
Marketing India Pvt. Ltd. & Ors. Applicant/petitioners
Vs.
M/s. Sharp Eye Advertising Pvt. Ltd. Respondent

Order under Section 397/398 of the Companies Act

Order delivered on 21.03.2018

Coram:

**CHIEF JUSTICE (Retd.) M.M.KUMAR
Hon'ble President**

**Dr. Deepti Mukesh,
Hon'ble Member (J)**

PRESENTS:

For the Applicant/petitioner : Mr. Sakal Bhushan, Mr. Monish Panda,
Mr. Amit Bhattacharyya, Ms. Deepti
Bhardwaj, Advs.

For the Respondent :

ORDER

On 18.01.2018, we have noted that respondent had placed on record with its reply a photocopy of the Memorandum of understanding dated 27.07.2007. It was also directed that Resolution dated 28.06.2007 and the minutes of proceedings authorising the Directors to execute the MOU shall be produced in its original document, namely MOU dated 27.07.2007 alongwith the minutes of the meeting dated 28.06.2007 as allegations of fabrication were levelled. As a matter of fact, all documents relied on in the pleadings were required to be produced in original for the perusal of the Bench.



Mr. Sakal Bhushan, learned Counsel for the petitioner has stated that in the inspection undertaken on 17.10.2013 by Ms. Anjali Bhawdwaj, authorised representative of the petitioner, the documents at item no. 31 are the agreement for loan and equity entered with Respondent no. 11 which is also known as Memorandum of Understanding executed on 27.07.2007 as per minutes passed in the Board of Directors meeting on 28th June, 2007. The Inspection report shows that these two documents were not found in the record of the respondent no. 1. The Inspection report has also been signed on behalf of respondent no. 1 and the same has been placed by respondent no. 1 as additional document. Therefore, it is evident that allegations of fabrication of photocopy have gained further strength.

List the matter for final disposal on 16th April, 2018 high up in the list.

Sd/-

(M. M. KUMAR)
PRESIDENT

Sd/-

(DR. DEEPTI MUKESH)
MEMBER (JUDICIAL)