

**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.  
Vs.

.... Applicant/petitioners

M/s. Sharp Eye Advertising Pvt. Ltd.

.... Respondent

**Order under Section 397/398 of the Companies Act**

**Order delivered on 14.08.2018**

**Coram:**

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

**Sh. S. K. MOHAPATRA,**  
**Hon'ble Member (Technical)**

**PRESENTS:**

For the Applicant/petitioner : Mr. Sakal Bhushan & Akash Jandial, Advs.  
For the Respondent : Mr. Kuldeep Singh, Legal Manager

**ORDER**

Ms. Pooja Aggarwal, Director of respondent 1 company filed an affidavit dated 30.05.2018 by disclosing that there was a fire on first floor of the Premises No. 38, Rani Jhansi Road, New Delhi on 31.12.2017. The aforesaid address is the registered office of respondent no. 1 company. The fire destroyed computer, documents including, operational and statutory records, furniture, AC, equipment etc. Complaint in that regard has been filed with the Police Station Paharganj on 01.01.2018. As the documents were destroyed in fire, the documents which are required by this Tribunal as per order passed on 18.01.2018 could not be produced.

The aforesaid affidavit has been contradicted by filing counter affidavit. It was argued that if the fire incident has taken place on 31.12.2017 then why no mention of it was made in the proceedings before this Court on 18.01.2018, 21.03.2018 & 16.04.2018 which were the earliest occasion available for bringing on



the fact of the loss of documents. Likewise, no claim with the insurance company ever been filed on account of occurrence of fire. Moreover it has been highlighted that in the RTI initiated by the petitioner the Public Information Office, Industrial District, Delhi has replied as under:-

“Please refer to your application dated 18.06.2018 which was received in RTI/Cell Central District through APIO/PCR, Delhi, on the subject cited above. The required information pertaining to this district on the basis of report received from ACP Pahar Ganj of Central District, Delhi (principal supplier of information) is as under:-

Sl. No.	Information Provided
1.	As per report of ACP Pahar Ganj, no such PCR call as mentioned in your RTI Application was received in PS D.B.G. Road on dated 31.12.2017.
2. & 3.	Not applicable in view of point no. 1.

In the facts there appears to be a prima facie case for perjury, as attempt has been made by the deponent to over reach the Court. The aforesaid director of respondent 1 company is directed to appear in person on the next date of hearing. Since the Mr. Kuldeep Singh, Manager Legal is present in the Court, he shall intimate Ms. Pooja Aggarwal so as to ensure her personal appearance. A copy of the order shall be served by the petitioner on Pooja Aggarwal.

List on 05.09.2018.

  
(M.M.KUMAR)  
PRESIDENT

  
(S. K. MOHAPATRA)  
MEMBER (TECHNICAL)