

**IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI.**  
**PRINCIPAL BENCH**

145/ND/2012

**IN THE MATTER OF**

SBPL Infrastructure Ltd. &amp; Ors.

...Appellant

v

M/s. DLF SBPL Developers Pvt. Ltd. &amp; Ors.

...Respondent

SECTION: UNDER SECTION 397/398.

Order delivered on 11.07.2018

**Coram****CHIEF JUSTICE M.M. KUMAR**  
**Hon'ble President****S.K. MOHAPATRA**  
**Hon'ble Member(T)****For the appellant;**Mr. Krishanendu Datta, Adv.  
Ms. Sumon C. Reddy, Adv.  
Mr. Sumanth Nookla, Adv.  
Mr. Soumabho Ghose, Adv.  
Mr. Arjan D Singh, Adv.

For R-1

Mr. U.K. Chaudhary, Sr. Adv.  
Mr. Anupam Parkash, Adv.  
Mr. Himansu Viz, Adv.

**ORDER**

We have heard the arguments. During the course of arguments it transpired that following documents are required to be filed by the parties: -

A. by the petitioners

- (i) in the order dated 27.11.2012, a finding has been recorded that the Andhra Pradesh State Government has already cancelled the lease deed executed in favour of the joint venture company(R1). It has however been claimed that the finding is based on a show cause notice dated 6.6.2011 (P 22, at Pg. 183). According to Mr. K. Datta, Ld. Counsel, it is only a notice to pay arrears of rent for the leased land and not an order of cancellation. There however is nothing on record placed before us showing that the lease deed executed on 27.8.2008 continuous to be in existence Mr. K. Datta states that an appropriate affidavit supported by documents issued by competent authority shall be filed showing that the lease deed is continuing.
- (ii) Mr. Datta has conceded that there is no resolution of the Board of Directors of R1 company authorizing petitioner No. 2, Mr. G.S. Gupta to pay from his account the amount of stamp duty and registration charges for lease deed amounting to Rs. 6,34,86,885/-. It remains to be decided as to how then petitioner No. 2 has deposited the amount from his personal account in support of the lease deed executed by Hyderabad Urban Development Authority in favour of R1 company and how it would constitute an act of oppression/mismanagement.

(B) Respondent No. 1.

- (i) The matter is pending since, 2012. There is no power of attorney filed by the counsel who claims to represent R1

  


company. There is no resolution of the Board of Directors of R1 company authorizing the Ld. Counsel to appear and represent R1 company. It should be explained by filing appropriate affidavit as to how the reply on behalf of R1 company has been filed and who has authorized to represent it.

- (ii) The whole record of R1 company from its incorporation in year 2006 till date shall be produced for the perusal of this tribunal which includes annual return, balance sheets, income tax return, members' register and all other registers including minute book.

The needful shall be filed within four weeks by exchanging copies between the parties.

List for further consideration on 30.8.2018.

Sd/-  
(M.M. KUMAR)  
PRESIDENT

Sd/-  
(S.K. MOHAPATRA)  
MEMBER(T)

Ritu Sharma