

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

C.A No.77 & 78/(MAH)/2016
CP No.01/2016

CORAM:

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

SHRI BHASKARA PANTULA MOHAN
MEMBER (J)


ATTENDENCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 28.09.2017

NAME OF THE PARTIES: Mr. Shrikant Mishra
V/s.
M/s. Ryder Shipping Lines Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 59 of the Companies Act, 2013.

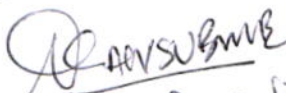
S. No. NAME DESIGNATION SIGNATURE

22. Adv. Aniket Ransubhe
i/b Mougank & Basalkar
Law Partners
Advocates for Petitioner


RANSUBHE

As the parties have amicably settled
the matter amongst themselves and
accordingly have executed the consent terms.
I please your Honour to take the said
consent terms on record and mark the
same as exhibit for identification.

As the matter is amicably settled
between the parties, I pray that the liberty
may be given to the Petitioner to withdraw
the Petition.


For Advocates for Petitioner
28.09.17

(P.T.O.)

3) Adv. Tejas Kuniya . Advocate for Defendant.
i/e.
Theodor Law Associates

Tejas Kuniya

COMMON ORDER

C.A. No. 77/2016&78/2016 IN C.P. No. 01/59/CLB/MB/MAH/2016
C.P. No. 02/59/CLB/MB/MAH/2016

1. The Learned Representatives of both the sides are present.
2. The matter has been settled between the Parties.
3. The Consent Terms is filed on record. The Consent Terms be made part of The Order.
4. In view of the Consent Terms filed by the parties, the Petition is disposed of as "**Withdrawn**". To be Consigned to the Records.

Sd/-

Bhaskara Pantula Mohan
Member (Judicial)
28.09.2017

ug

Sd/-

M.K. Shrawat
Member (Judicial)



BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,
BENCH, AT MUMBAI

COMPANY APPLICATION NO. OF 2017

IN

PETITION NO. 01/59/NCLT (MB)/2016

IN THE MATTER OF THE COMPANIES ACT, 2013

AND

IN THE MATTER

MR. SHASHIKANT MISHRA]

An adult, Indian Inhabitant, residing at]

Kalash Paradise, A-103, First Floor]

Plot No. 30, Sector-10, Sanpada,]

Navi Mumbai- 400705.]

... Petitioner

Versus

RYDER SHIPPING LINES PRIVATE LIMITED]

Office No. 701 to 704, 7th Floor, Concorde Premises,]

Plot No. 66 A, Sector-11, CBD Belapur, Navi Mumbai]

... Respondent

Humble Application of Consent Terms

agreed between the parties

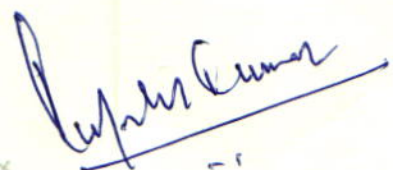
MAY IT PLEASE YOUR HONOUR

1. Petitioner confirms that he has transferred 2500 equity shares of Respondent, held by him, in favour of the Mr. Pankaj Gupta, being Director of the Respondent, for a total consideration of Rs. 40, 65,000/- paid by the Mr. Pankaj Gupta to the Petitioner. Petitioner acknowledges receipt of the above consideration amount. Petitioner confirms that he has signed a share

transfer form and other necessary documents for giving effect to the above transfer of shares in the name and favour of Mr. Pankaj Gupta.

2. Petitioner confirms that he has transferred 2500 equity shares of Respondent, held by him, in favour of Mr. Sudhir Kumar Singh, being Director of the Respondent, for a total consideration of Rs. 40,65,000/- paid by Mr. Sudhir Kumar Singh to the Petitioner. Petitioner acknowledges receipt of the above consideration amount. Petitioner confirms that he has signed a share transfer form and other necessary documents for giving effect to the above transfer of shares in the name and favour of Mr. Sudhir Kumar Singh.
3. Petitioner hereby undertakes not to raise any claim whatsoever against the Respondent as well as its Directors Mr. Pankaj Gupta and Mr. Sudhir Kumar Singh, with respect to the aforesaid transferred shares. The Petitioner further agree and undertakes that after the execution of these Consent Terms he shall not, directly or indirectly, either as individuals on their own account or as partners, employees, consultants, advisors, agents, contractors, directors, trustees or shareholders of any company, firm or other entity, harm or disturb the course of business of the Respondent and shall never claim or demand any remuneration and compensation from the Respondent and/or its Directors, in respect of the transferred shares and/or otherwise.
4. The Respondent, hereby agrees and undertakes that after execution of these consent terms the Respondent shall issue a relieving letter in the name of Petitioner and in turn the Petitioner shall issue a No Dues Certificate in the name of Respondent and through such issuance, the Petitioner shall withdraw all his future claims of whatsoever in nature against the Respondent and/or its Director/s.
5. The Petitioner hereby agree and undertake that he shall immediately withdraw all the existing suits, complaints, claims etc filed before the competent authority and/or court of law against the Respondent and/or its Directors, including the police complaint filed before the CBD Police station, Navi Mumbai.
6. The Respondent hereby agree and undertake that after execution of these consent terms the Respondent shall immediately withdraw forever all the existing suits, complaints, claims etc of whatsoever in nature filed/instituted/initiated before the competent authority and/or court of law against the petitioner.


Sudhir Kumar Singh


Pankaj Gupta



7. All the parties of these consent terms hereby agree and undertake that they shall always maintain the dignity of each other during the regular course of business and they shall never act or represent, directly or indirectly, either as individuals on their own account or as partners, employees, consultants, advisors, agents, contractors, directors, trustees or shareholders of any company, firm or other entity, in such manner which could be detrimental to the market image, reputation and goodwill of all or any of the parties of these consent terms.

8. In view of the above statement made by the Petitioner and Respondent, the present Petition is hereby disposed of in terms of these Consent Terms. There shall be no orders as to costs.

Dated this ____ day of September, 2017

Advocate for Petitioner/Respondent

The Petitioner

(Mr. Shashikant Mishra)



The Respondent

(Ryder Shipping Lines Private Limited)



VERIFICATION

I, Mr. Shashikant Mishra, An Adult, the Petitioner above named, do hereby verify and state on solemn affirmation that what is stated in Paragraph Nos. 1 to 9 is true to my own knowledge and information which I believe the same to be true.

Solemnly affirmed at Mumbai)

Dated 19th day of September, 2017)

SO
mishra

aw
BEFORE ME
19 SEP 2017

Adv. ASHOK P. GAYKAR
B. Com., LL. B., G. D. C. & A.
NOTARY GOVT. OF INDIA
Reg No. 5873.

Before Me

VERIFICATION

I, Mr. Rupesh Kumar, being Director of the Respondent above named, do hereby verify and state on solemn affirmation that what is stated in Paragraph Nos. 1 to 9 is true to my own knowledge and information which I believe the same to be true.

Solemnly affirmed at Mumbai)

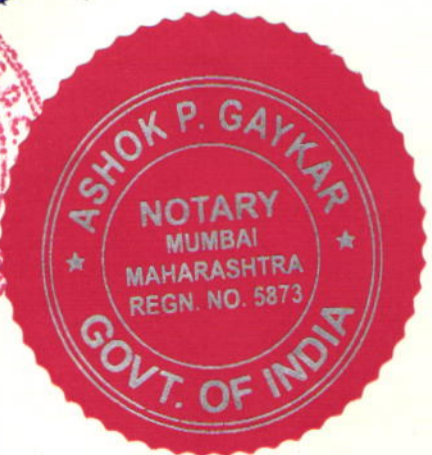
Dated 19th day of September, 2017)

Rupesh Kumar

aw
BEFORE ME

19 SEP 2017

Adv. ASHOK P. GAYKAR
B. Com., LL. B., G. D. C. & A.
NOTARY GOVT. OF INDIA
Reg No. 5873.



REGISTERED VIDEO
Sr. No. 17/2570
Date **19 SEP 2017**
OF NOTARY REGISTER

Before Me



RYDER SHIPPING LINES PVT. LTD.

701 - 704 Belapur Concorde Premises Co-op Society Ltd.,
Plot No. 66A, Sector - 11, C.B.D. Belapur,
Navi Mumbai - 400 614, India.
T : +91 22 2759 5300 (100 lines) F : +91 22 2759 5350



CERTIFIED TRUE EXTRACTS OF RESOLUTION PASSED THROUGH BOARD MEETING OF M/s. RYDER SHIPPING LINES PRIVATE LIMITED HELD AT 701-704, BELAPUR CONCORDE PREMISES, PLOT NO.66A, SECTOR 11, CBD BELAPUR, NAVI MUMBAI - 400 614 TUESDAY 19TH SEPT , 2017

Board of directors vides Meeting dated 19TH Sept 2017 the Board decided to file the Consent Terms before the Hon'ble National Company law Tribunal (NCLT) in the matter of Mr. Sujit Jha (PETITION NO. 02/59/NCLT (MB)/2016). It would be essential to give authority to sign and execute consent terms and other writings etc.

"RESOLVED THAT: Mr. Rupesh Kumar being Director of the Company, be and is hereby authorised to sign and execute Consent Terms, Affidavit, undertaking etc for and on behalf of the company and to act and appear before the NCLT and/or other competent authorities to record this settlement and consent terms.

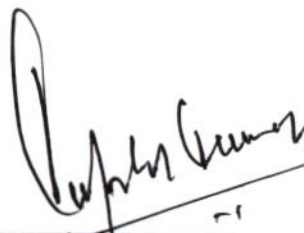
By Order of the Board

Place: Navi Mumbai

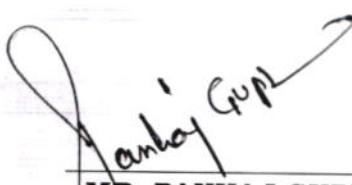
Date: 19/09/2017



MR. KAMLESH KATHANE
(Director)



MR. RUPESH KUMAR
(Director)



MR. PANKAJ GUPTA
(Director)

BEFORE THE NATIONAL COMPANY LAW

TRIBUNAL, BENCH, AT MUMBAI

PETITION NO. 01/59/NCLT (MB)/ 2016

IN THE MATTER OF THE COMPANIES ACT, 2013

AND

IN THE MATTER OF:

MR. SHASHIKANT MISHRA ...PETITIONER

V/s.

RYDER SHIPPING LINES PRIVATE LIMITED

...RESPONDENT

CONSENT TERMS

Dated this ____ day of September, 2017

Mrugank & Basutkar Law Partners

Advocates for the Petitioner

3/4. Yeshwant Chambers,

B. Bharucha Marg, Fort,

Mumbai – 400 023.