

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

C.P. No. 434/(MAH)/2017

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 06.10.2017

NAME OF THE PARTIES: Jagdishpratap Rudrapratap Tiwari & Ors.
V/s
Registrar Of Companies ,Mumbai

SECTION OF THE COMPANIES ACT: 252 of the Companies Act, 2013.

S. No.	NAME	DESIGNATION	SIGNATURE
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1. Lekhe
Tiwari

C.S.



ORDER

T.C.P. No. 434/252/NCLT/MB/MAH/2017

1. The Learned Representative of both the sides are present.
2. The Learned Representative of the Petitioner seeks rectification of the Order instead of the words "100 employees" to be read as "300 Employees".

Sd/-

Bhaskara Pantula Mohan
Member (Judicial)
06.10.2017

Sd/-

M.K. Shrawat
Member (Judicial)

Date: 05/10/2017

From,
Rekha Ambawat
Practising Company Secretary
201, 2nd Floor, 452/A, J S S Road,
Shanti Sadan, Opp. Dr.Viegas Street,
Chira Bazar, Mumbai- 400 002.

CP 434 / 252 / 2017

To,
The Registrar,
National Company Law Tribunal
6th Floor,
Fountain Telecom, Building 1,
Mahatma Gandhi Road,
Fort, Mumbai - 400001.



C-II

Ref: **Before National Company Law Tribunal
Mumbai Bench, Mumbai
Company Petition No. 434/(MAH)/2017
Under Section 252 of the Companies Act, 2013
JagdishpratapRudrapratap Tiwari &Ors. ...Petitioners
V/s.
Registrar of Companies ...Respondent**

Subject: **Amendment of Order dated 27/09/2017 passed by the
Hon'ble Tribunal**

Sir,

We are more concerned about our clients, on behalf of our clients we humble request to you, Kindly keep the hearing on urgent basis on 06.10.2017 at 2.30 P. M. We have already filed application for amendemnet of order on 03.10.2017 and 04.10.2017.

It is submitted that great hardship shall be caused to the remaining employees of the Company if the Order dated 27/09/2017 is not amended by the Hon'ble Tribunal.

It is requested that the Registry of the Hon'ble Tribunal be pleased to consider this application as urgent.

Kindly acknowledge receipt of the same.
Thanking you.

Yours faithfully,

Rekha Ambawat
Authorised Representative of the Petitioners
022 66154195/ 9323450396

Encl: Copy of Order datd 27.09.2017 and Application filed for amendement of order dated 03.10.2017 and 04.10.2017.

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

C.P. No. 434/(MAH)/2017

CORAM:

Present:

SHRI M. K. SHRAWAT
MEMBER (J)

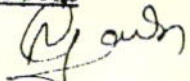

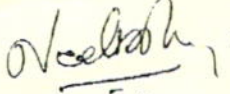
SHRI BHASKARA PANTULA MOHAN
MEMBER (J)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 27.09.2017

NAME OF THE PARTIES:

Jagdishprasad Rudrapratap Tiwari & Ors.
V/s
Registrar of Companies, Mumbai

SECTION OF THE COMPANIES ACT: 252 of the Companies Act, 2013.

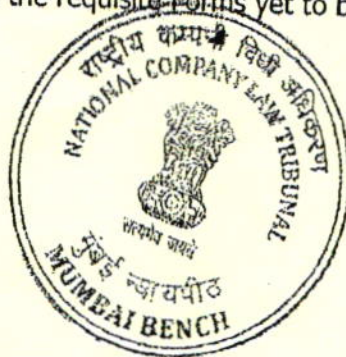
S. No.	NAME	DESIGNATION	SIGNATURE
①	Rekha Ambawal	Company Secretary	
②	Dr S. N. J...	PCC for Applic → Rekha Ambawal PCC	
③	NEELAMBVI	Company Prosecutor of ROC - Mumbai	

ORDER

C.P. No. 434/252/NCLT/MB/MAH/2017

1. The Learned Representative of the Petitioner is present.
2. A mention has been made in respect of C.P. 434/2017 pertaining to the provisions of Section 252 of the Companies Act, through which, the name of the Company was struck off from the ROC records.
3. The Representative of the ROC is present.
4. The Petitioner has placed on record the latest information about the accounts Finalized and audited, and whether submitted before any other Authority ? and also placed on record the requisite Forms yet to be filed before the ROC.

...2...



C.P. No. 434/252/NCLT/MB/MAH/2017

-2-

5. On the other hand the ROC is to place on record the period of default from when the accounts ^{and} of information have not been furnished and also the reason for striking off the name of this Company.
6. The urgency has been expressed for operation of the accounts required for payment of the outstanding salary of the employees which arose due to delisting of the Company.
7. After hearing for sometime an interregnum arrangement is required to be made by invoking the provisions of Section 250 of the Companies Act, through which, whether the Company stood ^{disolved} ~~absolved~~ under section 248 ^{was} of the Companies Act, the NCLT on satisfaction can direct to operate the Bank Account.
8. It has been intimated that the Petitioner is operating two accounts with Axis Bank bearing Account No. 073010200002622 Pune Branch and Account No. 0004010200163620 Fort Branch which can be operated through this Order to ^{only} pay the outstanding salary of ^{about 100} ~~the~~ employees up to 30.09.2017. ^{was} This operation of the Bank Account is allowed for the purpose of Disbursement of the salary and not for any other purpose till further Orders.
9. Copy of this Order to be issued to the concerned ROC. For rest of the Compliance matter is listed to **10.10.2017**.

Sd/-

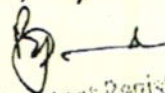
Bhaskara Paritula Mohan
Member (Judicial)
27.09.2017

Sd/-

M.K. Shrawat
Member (Judicial)



Certified True Copy
Copy Issued "free of cost"
On 28/9/17

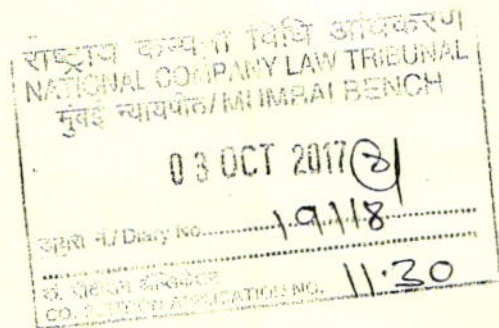

Assistant Registrar
National Company Law Tribunal Mumbai Bench



Date: 03/10/2017

From,
Rekha Ambawat
Practising Company Secretary
201, 2nd Floor, 452/A, J S SRoad,
Shanti Sadan, Opp. Dr.Viegas Street,
Chira Bazar, Mumbai- 400 002.

To,
The Registrar,
National Company Law Tribunal
6th Floor,
Fountain Telecom, Building 1,
Mahatma Gandhi Road,
Fort, Mumbai - 400001.



Ref: **Before National Company Law Tribunal
Mumbai Bench, Mumbai
Company Petition No. 434/(MAH)/2017
Under Section 252 of the Companies Act, 2013
JagdishpratapRudrapratap Tiwari &Ors. ...Petitioners
V/s.
Registrar of Companies ...Respondent**

Subject: **Amendment of Order dated 27/09/2017 passed by the
Hon'ble Tribunal**

Sir,

The captioned matter was heard by the Hon'ble Tribunal on 27/09/2017 when the Hon'ble Tribunal was pleased to pass interim Orders granting liberty to the Property Guards Security Services Private Limited("the Company") to operate two Bank Accounts to pay the outstanding salary of the Petitioners herein.

The Hon'ble Tribunal had directed the same in Para 8 of the Order dated 27/09/2017 which is reproduced below:

"8. *It has been intimated that the Petitioner is operating two accounts with Axis Bank bearing Account No. 073010200002622 Pune Branch and Account No. 0004010200163620 Fort Branch which can be operated through this Order only to pay the outstanding salary of about 100 employees upto 30.09.2017. This operation of the Bank Account is allowed for the purpose of Disbursement of the salary and not for any other purpose till further Orders.*"

It is submitted that the Petitioners in Para 4 sub clause vi of the captioned Petition have mentioned that the Company has about 300 employees. However, the Hon'ble Tribunal has erroneously only recorded 100 employees of the Company.

It is requested that the Hon'ble Tribunal be pleased to amend Para 8 of the Order dated 27/09/2017 and replace '100 employees' with '300 employees'. It is submitted that great hardship shall be caused to the remaining employees of the Company if the Order dated 27/09/2017 is not amended by the Hon'ble Tribunal.

:2:

It is requested that the Registry of the Hon'ble Tribunal be pleased to consider this application as urgent.

Kindly acknowledge receipt of the same.
Thanking you.

Yours faithfully,



Rekha Ambawat
Authorised Representative of the Petitioners
022 66154195/ 9323450396

Encl:

Order dated 27/09/2017 passed by the Hon'ble Tribunal in Company Petition,
No. 434/(MAH)/2017

Date: 04/10/2017

From,
Rekha Ambawat
Practising Company Secretary
201, 2nd Floor, 452/A, J S S Road,
Shanti Sadan, Opp. Dr.Viegas Street,
Chira Bazar, Mumbai- 400 002.

To,
The Registrar,
National Company Law Tribunal
6th Floor,
Fountain Telecom, Building 1,
Mahatma Gandhi Road,
Fort, Mumbai - 400001.

राष्ट्रीय कम्पनी विधि अधिकरण NATIONAL COMPANY LAW TRIBUNAL मुंबई न्यायपीठ/MUMBAI BENCH
04 OCT 2017 8/
द्वारक नं./Diary No. 19286
क. पीटीएन अर्पिकाशन CO. PETITION APPLICATION NO. 420

Ref: **Before National Company Law Tribunal
Mumbai Bench, Mumbai
Company Petition No. 434/(MAH)/2017
Under Section 252 of the Companies Act, 2013
JagdishpratapRudrapratap Tiwari &Ors. ...Petitioners
V/s.
Registrar of Companies ...Respondent**

Subject: **Amendment of Order dated 27/09/2017 passed by the
Hon'ble Tribunal**

Sir,

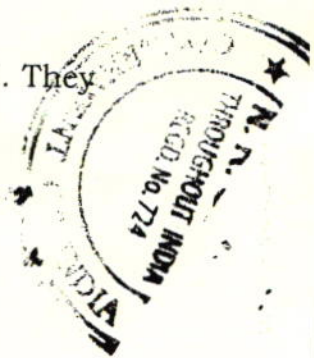
The captioned matter was heard by the Hon'ble Tribunal on 27/09/2017 when the Hon'ble Tribunal was pleased to pass interim Orders granting liberty to the Property Guards Security Services Private Limited("the Company") to operate two Bank Accounts to pay the outstanding salary of the Petitioners herein.

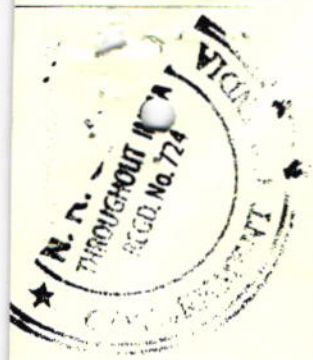
The Hon'ble Tribunal had directed the same in Para 8 of the Order dated 27/09/2017 which is reproduced below:

"8. It has been intimated that the Petitioner is operating two accounts with Axis Bank bearing Account No. 073010200002622 Pune Branch and Account No. 0004010200163620 Fort Branch which can be operated through this Order only to pay the outstanding salary of about 100 employees upto 30.09.2017. This operation of the Bank Account is allowed for the purpose of Disbursement of the salary and not for any other purpose till further Orders."

It is submitted that the Petitioners in Para 4 sub clause vi of the captioned Petition have mentioned that the Company has about 300 employees. However, the Hon'ble Tribunal has erroneously only recorded 100 employees of the Company.

Also Banks are clearing the cheques which are deposited till 30.09.2017. They have misinterpreted the Order passed by Hon'ble Tribunal.





:2:

It is requested that the Hon'ble Tribunal be pleased to amend Para 8 of the Order dated 27/09/2017 and replace '100 employees upto 30.09.2017 with 300 employees which are due till 30.09.2017. And allow us to operate the said bank accounts for the said purpose till the final order is passed. Till date Axis Bank, Fort Branch has not credited the salary in employees account inspite the details of NEFT given to the Bank.

It is submitted that great hardship shall be caused to the remaining employees of the Company if the Order dated 27/09/2017 is not amended by the Hon'ble Tribunal.

It is requested that the Registry of the Hon'ble Tribunal be pleased to consider this application as urgent.

Kindly acknowledge receipt of the same.
Thanking you.

Yours faithfully,

Rekha Ambawat
Authorised Representative of the Petitioners
022 66154195/ 9323450396

Encl:

Order dated 27/09/2017 passed by the Hon'ble Tribunal in Company Petition
No. 434/(MAH)/2017