

IN THE NATIONAL COMPANY LAW TRIBUNAL
SINGLE BENCH
NEW DELHI

No. 1-227(ND)/2017

SECTION: UNDER SECTION 241 & 244 of the Companies Act, 2013

IN THE MATTER OF:

M/s Chandan Munjal Petitioner

M/s RC Healthcare Pvt. Ltd. V/s Respondent

Order delivered on 09.11.2017

Coram:

R.VARADHARAJAN
Hon'ble Member (Judicial)

For the Petitioner : Mr.Balbir Singh, Sr. Advocate
Mr. Sandeep Bajaj, Advocate

For the Respondent : Mr. Sanjay Poddar, Sr. Advocate
Mr. Govind Choudhary, Advocate
Mr.Arun Saxena, Advocate
Ms.Nalini, Advocate
Ms.Priya, Advocate



ORDER

This Tribunal based on consent between the parties passed consent order dated 4.10.2017. However, it is brought to the notice of this Tribunal that an inadvertent error has crept in the order in relation to clause (v) of the said order. It is represented by the Ld. Counsels appearing for the parties that in relation to the defreezing of accounts it was consented between parties that the accounts will be allowed to be operated as specified in clause (ii) of the order as it was prior to the act of defreezing, however, other clauses remaining the same. Even though this Tribunal is not inclined to accept the submissions of the parties as the order was passed more than a month back and nothing prevented the parties to jointly represent immediately thereafter, however, in terms of the consensus exhibited by the parties before us on this day, we propose to modify the order passed on 4.10.2017 based on consent to the following effect.

2. In relation to clause No.(i) of the order at page 3, it has been agreed between the parties that the Petitioner will be allowed access to the registered office of the company to access the books of accounts and records upto date pertaining to R-1 company within a period of 3 days from the date of this order other terms in the said clause (i) remaining the same.
3. Further, in relation to clause No.(ii) of the order dated 4.10.2017 in order to enable the defreezing of the bank accounts stated therein, Petitioner and Respondent No. 2 being the only Directors of R-1 company shall convene a Board Meeting and pass necessary resolutions as sought for by the Bankers.
4. In relation to clause No.(v), the same shall read as follows:

“Subsequent to the defreezing of accounts based on the instructions of both the parties and passing of suitable resolutions, the bank accounts shall be operated as was being operated prior to the defreezing of the said accounts on the condition that in relation to any withdrawals, reports to be made in advance by way of statement of the expenditure proposed to be incurred for which the

withdrawal is sought to be effected atleast 24 hours before the said withdrawal and the Petitioner shall cooperate in this regard by approving such withdrawals within the next 24 hours without any delay."

5. Save as above, all the other clauses in relation to the order dated 4.10.2017 shall remain the same as agreed to between the parties.

6. In relation to the Application CA No.74 & 60/C-III/ND/17 & Contmp. P.No.9/ND/17, reply shall be filed by the other side within a period of 2 weeks. The Application shall be taken up alongwith the main Company Petition on 23.11.2017. In the meantime, the parties to complete pleadings as well in the main Petition, if the same has not been done as per order dated 4.10.2017.

-Sd/-

(R.VARADHARAJAN)
MEMBER (JUDICIAL)

U.D.Mehta
09.11.2017