

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

Application No. 118 & 39 Ors./ (MAH)/2017

CORAM:

Present:

SHRI M. K. SHRAWAT
MEMBER (J)


SHRI BHASKARA PANTULA MOHAN
MEMBER (J)

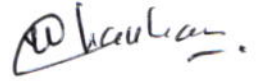
ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 04.10.2017

NAME OF THE PARTIES: M/s. Zenith Birla India Ltd.

SECTION OF THE COMPANIES ACT: 73(4) of the Companies Act, 2013.

S. No.	NAME	DESIGNATION	SIGNATURE
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1	Lytel N. Khola (KNK-PO) On behalf of Appr No. 133, 178, 269, 270 & 271	Prachin Company Secretary.	
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2	Adil T. Adajania	} Authorised Person	
3	Sanaaya Adajania		
4	K M Nazir		

5	Pushpa Vasanti Megandhi	P.V.M.R. Sr. Citizen	
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6	Sudha K. Nakhjani	Sudha	
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7	BHARAT NAVNITLAL SHAH H.V.F	B.N. Shah	
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8	Dhreshchandra B. Solanki	F.D. 5358	
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9	Prema G Sanghvi	Appr no 261	
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10	Yashwan G Sanghvi	Appr no 262	
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11	Vijay Harelwani	Appr no 301	
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12	Pavesh Bhatel	Appr no 147, F.D. 54477	
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13	Roopalee Bhatel	Appr no 141, F.D. 54479	
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14	Swathi Acharya	Swathi	
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15	Vijay Nayak	Vijay	
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16. Hansa G. Shah

17. Kaku M. Raikhangkar

Hansa G. Shah.

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9665509889

7. Adv. Kavita Sharma i/b Kookada & Associates
for Respondent.

Kavita

Hansa G. Shah

Hansa G. Shah.

ORDER

Application No. 118/2017 and 39 Others

1. The Learned Representatives of both the sides are present..
2. From the side of the Respondent details of Payment of 42 Depositors is placed on Record according to which the Demand Drafts in respect of the Fixed Deposits in the name of the Depositors which contains the balance amount and interest upto the date of Maturity. The amount mentioned in the Demand Draft is calculated after deducting the TDS amount.
3. From the side of the Respondent a Sample Agreement is placed on record for reference which reads as under :-
" I Bimla Laxmikumar Nemani, the Complainant hereby withdraw the captioned Complaint pending against Zenith Birla (India) Limited, filed by me, before the EOW, Mumbai as there is no claim of whatsoever nature outstanding by and between me and Zenith Birla (India) Limited with respect to the aforesaid matter.
The matter with respect to outstanding fixed deposit has been settled and therefore I do not wish to pursue the matter before the EOW, Mumbai. Further, I no longer have any actionable claim against Zenith Birla (India) Limited with respect to this matter.
I hereby withdraw the captioned Complaint out of my free will and without any coercion, duress or any kind of unlawful inducement and I request you to take the same on record at the earliest. "
4. On hearing the submissions and one of the representative of some of the Depositors, who has placed on record the Written Submissions through which claiming the interest up to the Date of Payment and Penal Interest for Late Payment. A copy of the Written Submissions is handed over to the Learned Representative of Zenith Birla (India) Limited, directed to file their Counter submissions on or before the next date of hearing.

5. The question of Interest and Penal Interest is left open to be decided by this Bench on or before the next date of hearing. Meanwhile the depositors, if deem fit can receive the respective payments in the form of Demand Drafts from Zenith Birla (India) Limited.
6. The Respondent Company is further directed to give the TDS Certificates in respect of today's payment and if any left in the past so that the Depositors can claim respectively benefit of the tax deducted.
7. The Counter Reply will be filed by the Respondents on or before 27.10.2017.

Listed for hearing on **13.11.2017 at 2.30 PM.**

Sd/-

Bhaskara Pantula Mohan
Member (Judicial)
04.10.2017.

Sd/-

M.K. Shrawat
Member (Judicial)