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NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA

C.P.No.114/2014

Present: 1. Hon'ble Member (J) Shri Vijai Pratap Singh
2. Hon'ble Hon'ble Member (J) Shri Jinan K.R

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 21st December 2017, 10.30 A.M

Name of the Company	Usha Kumar & Anr. -Versus- Kumar Techno Refractories Mfg Co. Pvt.Ltd & Ors		
Under Section	397/398		
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

1) Mr. Sishu Chowdhury, Adv
 2) Ms Swapna Choubey, Adv
 3) Mr. Siddhartha Sharma, Adv
 4) Ms Namrata Basu, Adv } Petitioner

 (5) CA Shashi Arora, Adv
 (6) Rajiv Rath, Advocate } R₂ R₃ R₈
 (7) Mukul Kumar, R₈ } R₇
 21/12/17

ORDER

Ld. Counsel for the petitioners and the respondent nos. 2, 3 and 8 as well as Special Officer is present.

Ld. Special Officer, Mr. Mohan Ram Goenka has been appointed vide order dated 11/10/2017. He submitted his preliminary report dated 20/12/2017 wherein it was stated that he was engaged as a Special Officer vide Order dated 11/10/2017. He has to engage a full time accountant on daily

basis for maintaining accounting software and other books of accounts for which his remuneration will be Rs. 1 Lakh plus GST and to be paid in the beginning of the month to be shared 50:50 by both the parties.

Ld. Counsel for the respondents submitted that regarding payment of Rs. 1 Lakhs per month as remuneration of Mr. Goenka as a Special Officer, he has to consult with all the Directors of the Company. Meanwhile, unless and until the statement is submitted by the respondents, Special Officer will get Rs.1,00,000/- which will be shared in the ratio of 50:50 by both the parties.

Special Officer has proposed that cheque signing be assigned to the Factory Manager. He also proposed that petitioner/any person authorised by the petitioner shall approve the required expenditure before preparing voucher and signing of cheque. He shall counter-sign the voucher on getting the same approved by the above said person. In case he thinks necessary for running of the company respondents to sign the cheques and he can take decision to counter-sign the cheques on the consent of other parties. If the company has no fund he will be penalised for signing cheque so the same may be given to factory manager. He is directed to sign cheque after checking fund position.

Special Officer has also submitted that he has incurred an expenditure of Rs.25,000/- for visiting the factory on three occasions. He is directed to produce the vouchers of his journeys at the time of next date of hearing. He is also directed to perform his duties by our earlier order dated 11/08/2017 and 12/09/2017.

Copy of the report submitted by the Special Officer may also be supplied to both the parties.

Both the parties are directed to file written submissions within 3 weeks from today and the case will be heard on day to day basis.

List it on 02/02/2018 for arguments.

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(Jinan K.R.)
Member (J)

8d

(V.P.Singh)
Member (J)