

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

Application No. 117 & 17 Ors./ (MAH)/2017

CORAM:

Present:

SHRI M. K. SHRAWAT
MEMBER (J)




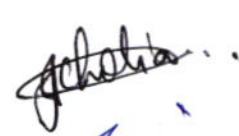
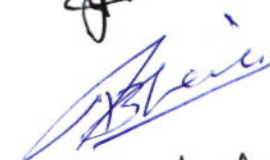

SHRI BHASKARA PANTULA MOHAN
MEMBER (J)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 22.08.2017

NAME OF THE PARTIES: M/s. Birla Sholka Edutech Ltd.

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

S. No.	NAME	DESIGNATION	SIGNATURE
--------	------	-------------	-----------

- | | | | |
|-------|---|---------------------------------|---|
| (1) | Vineet Tripathi | Company Secretary |  |
| (147) | Jumbish Ram | Manager |  |
| 2) | Nayam Shah | Depositor | Nayam Shah |
| | (17 Applications) for 17 applications
Anjana B Shah / Chetna Y Shah / Harsh Y Shah / Kunal N Shah / Nirali Upadhye | | |
| 3) | Bipin T Shah | Depositor | Bipin T. Shah |
| | Rakesh D Shah / Bipin T Shah (HUF) / Yogesh T Shah (HUF) / Nayam T Shah (HUF) | | |
| 4) | Yogesh T Shah | Depositor |  |
| 5) | Jyoti N. Khobla (P) | |  |
| | A33237 - 12224
(App ⁿ by Harsha Chandrakant Joshi
Usha & Mahesh Shah) | | |
| 6) | PARSRAM N. BHATIA | |  |
| | App ⁿ - no 212/2017 | | |
| 7) | Anil Parachand Shah | | shah Anil Parachand |
| 8) | Anil Khetshi Dedhia for
Harakchand Hirji Chheda | | AKD |
| 9) | Ashish Verma, Harish | Advocate |  |
| | Harish Pandya | Counsel | |
| | Rajendra Kookada | Advocate
for the Respondents | |

Ashish Mahendrokar

Prof.

ORDER

Application No.117 & 17 Others/73(4)/NCLT/MB/MAH/2017

1. Learned Representative from the side of the Respondent Company undertakes to place on record the authority to represent the Company, to be filed latest by tomorrow. The Company has placed on record certain notices issued to the Banks of the defaulter Company under section 236(3) of the Income Tax Act, according to which the Bank's Accounts were seized. Learned Counsel has stated that because of the seizure of the Bank Accounts, at present the payments could not be made. He has also placed on record a letter issued to the Corporation Bank by the Police Authorities for attachment of the Bank Accounts. Learned Counsel is vehemently seeking a short adjournment so that the position of the non-payment could be explained to the Court.
2. On the last occasion, one Mr. Santosh, Operational Manager of the Company was present in person who was directed to place on record the latest financials of the Company. A cost was also imposed then on the Company to be paid to the Applicants. The cost imposed could not be made so far.
3. From the side of the Applicants it is vehemently stated that in spite of order of the CLB and the directions of this Court, no payment has been made so far. All the applicants have marked their presence in the Order Sheet. The request of the adjournment of the Learned Representative is granted subject to another cost, to be paid to each applicant of Rs.10,000 for today's default. To be disbursed along with the cost already imposed on the last occasion, on or before the next date of hearing.
4. The Registry is directed to issue a letter to the concerned Income Tax Office; Deputy Commissioner of Income Tax, Air India Building, Nariman Point, Mumbai to depute some Officer or Inspector of the Income Tax Department to be present along with the Bank Accounts and the position of the Bank balances as per the Income Tax record of (i) Bank of India, (ii) Axis Bank Ltd., (iii) State Bank of India, (iv) Corporation Bank and (v) Catholic Syrian Bank. The Registry is to immediately issue notice or depute an Officer of the NCLT to hand over (Dasti) this order of the Court to the concerned Officer.
5. Adjourned to **14.09.2017 at 2.30 P.M.**

Sd/-

BHASKARA PANTULA MOHAN
Member (Judicial)

Sd/-

M.K. SHRAWAT
Member (Judicial)

(No order)