

**NATIONAL COMPANY LAW TRIBUNAL**  
**NEW DELHI BENCH**

CP No.127(ND)11

**CORAM:**

**PRESENT: SH. S. K. MOHAPATRA**  
**HON'BLE MEMBER(T)**

**SMT. INA MALHOTRA**  
**HON'BLE MEMBER (J)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE NEW  
DELHI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON  
06.11.2017**

**NAME OF THE COMPANY: Anil Ghai & Ors. V/s. M/s. Ghai Housing &  
Agro Industries Pvt. Ltd.**

**SECTION OF THE COMPANIES ACT: 397/398**

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
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For the Petitioner (s)	: Mr. Saurabh Kalia, Advocate Mr. Rahul Ahuja, Advocate			
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For the Respondent (s)	: Mr. Shailendra Ghai			
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**ORDER**

A Contempt Application has been filed by Petitioner no. 3 for a wilful default of the order of this Bench dated 20<sup>th</sup> April, 2017. Let this Contempt Petition be registered separately. Pursuant to the notice, the contemnor is present in person. Let reply, if any, be filed. Though the contemnor was directed to pay his mother, Petitioner no. 3/applicant a sum of Rs. 20,000/- per month, on or before the 15<sup>th</sup> of every month, he has been a regular defaulter. It is only after filing of the application that money as due till 15<sup>th</sup> September has been remitted.

Remittance due on 15<sup>th</sup> October, 2017 is still in default. In the interest of justice, an opportunity is given to the contemnor.

**CA 276/2017**

Notice on the petitioner's application was issued to the Respondents vide order dated 25.10.2017. No reply has been filed to the same. An application



has been filed by the Respondent praying for adjournment on grounds of his counsel being unwell.

Ld. Counsel for the Petitioner prays for grant of interim directions. It is submitted that pursuant to the order dated 08.05.2017, passed by the Small Cause Court, Bijnor in Suit No. 2/2001 directing the lessee to vacate the premises belonging to the respondent company and to pay accumulated ~~misuse~~ <sup>mesne</sup> profits, a substantial sum has been deposited in the account of the company.

Respondent no. 2 confirms that pursuant to the aforesaid directions, a sum of Rs.24 lakhs approx. has been deposited in the account of Respondent No.1. It is the Petitioner's apprehension that the entire amount would be siphoned off leaving them with little remedy to recover their share. This shall cause irreparable loss and injury and shall lead to multiplicity of proceedings. Under such circumstances, it considered expedient that there should be a representation of both sides for operating the said account. It is therefore directed that the bank accounts of the Respondent viz. Current Account No. 01000055020, maintained in State Bank of India, Najibabad, UP should be jointly operated by Mrs. Shakuntala Devi, Petitioner no. 3 and R2, Shri Shailender Jain. The mother, Petitioner No.3 is also a Director on the Board of the Respondent Company.

It is also directed that the arguments in the petition and all pending application be argued out on the next date of hearing.

A Brief synopsis be filed by both the parties at least two days before the final date of hearing.

Be listed on 15<sup>th</sup> December, 2017.

To come up for hearing on the Contempt Petition on 20<sup>th</sup> November, 2017.

 Sd.

**(S. K. Mohapatra)**  
**Member (T)**

 Sd.

**(Ina Malhotra)**  
**Member (J)**