

**IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI**  
**PRINCIPAL BENCH**

**CP-100 (ND)/2015**

**IN THE MATTER OF:**

M/s. PTC Energy Ltd.

.... Applicant/petitioner

Vs.

M/s. R.S. India Wind Energy Pvt. Ltd. & Ors..... Respondents

**Order under Sections 397/398 of the Companies Act**

**Order delivered on 28.08.2017**

**Coram:**

**CHIEF JUSTICE (Retd.) M.M.KUMAR**

**Hon'ble President**

**Ms. Deepa Krishan**

**Hon'ble Member (T)**

For the Applicant/petitioner : Mr. Sudipto Sarkar, Sr. Adv.  
Mr. Mayank Mishra, Mr. Sidharth Sethi,  
Ms. Pragya Chauhan, Advocates

For Respondent Nos. 1 to 4 : Mr. Arjun Singh Bhati, Advocate

**ORDER**

**C.A. No. 144(PB)/2017**

On 14.12.2015, the erstwhile Company Law Board has passed an order with regard to supply of documents and information required by the petitioner-applicant, which were considered necessary for adjudication of the issue. A statement was made that a communication be sent for the required information or document and the same were to be furnished within two weeks from the date of the receipt of communication.

The present application has been filed complaining that the documents which were required to be obtained and listed in para-14 of the application have not been supplied. However, the payer is

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necessarily confined to those documents which pertain to Respondent nos. 1 to 4. The list of those documents is as under:

**"A. In relation to RSIGEL**

- (i) *Certified copies of the bank statement of RSIGEL from the date of its incorporation till December 31, 2015;*
- (ii) *Vouchers in support of receipts (revenue and capital) and expenses (revenue and capital) pertaining to all transactions of RSIGEL with Spearmint Properties Pvt. Ltd., Spearmint Techno Consultants Pvt. Ltd., Spearmint Traders & Developers Pvt. Ltd., Navaya Infrapower Pvt. Ltd., Priyanka Township Pvt. Ltd., Nirvana Technobuilds Pvt. Ltd., Embellish Properties & Consultants Pvt. Ltd., Panchamrit Real Estates Pvt. Ltd. ("Lessor Companies"), Anandrao Infrastructure Pvt. Ltd. & R S India Infrapower Private Limited, Vighneshvara Infrastructure Pvt. Ltd., Power Wind Ltd. and any other group or related company;*
- (iii) *Accounting software backup.*

**B. In relation to R.S. India Aviation Pvt. Ltd., R.S. India Infotainment Pvt. Ltd., R.S. India Solar Energy Pvt. Ltd., R.S. India Hydro Power Pvt. Ltd., R.S. India Bio Mass Energy Pvt. Ltd.**

- (i) *Certified copies of the bank statement of the above mentioned companies for the period from January 1, 2009 to March 31, 2011;*
- (ii) *Supporting vouchers for the advances (paid and received) and share application money (paid and received) by these companies during FY 2008-09, FY 2009-10 and FY 2010-11;*
- (iii) *Certified extracts of the minutes of the Board of these companies approving payment and/or receipt of advances and share application money;*
- (iv) *Details of allotment of shares in these companies during FY 2008-09, FY 2009-10 and FY 2010-11 along with the resolutions passed by the Board approving such allotment(s) and supporting vouchers for payment of consideration therefor;*
- (v) *Details of money received by these companies from RS India Infrapower Pvt. Ltd. for transfer of their shares in RSIGEL to it, along with supporting vouchers;*

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- (vi) Complete list of shareholders and Directors (along with identity and address proof) of these companies during the period from January 1, 2009 till date.

**C. In relation to R S India Infrapower Private Limited**

- (i) Certified copies of the bank statement of the above mentioned companies for the period from January 1, 2009 to March 31, 2011;
- (ii) Supporting vouchers for security deposit received by the Lessor Companies;
- (iii) Details of the signatory of the Lease Deeds (along with ID and Address proof) executed between RSIGEL and the Lessor Companies;
- (iv) Supporting vouchers for the advances (paid and received) and share application money (paid and received) by all these companies during FY 2008-09, FY 2009-10 and FY 2010-11;
- (v) Details of allotment of shares in these companies during FY 2008-09, FY 2009-10 and FY 2010-11 along with the resolutions passed by the Board approving such allotment(s) and supporting vouchers for payment of consideration therefor;
- (vi) Complete list of shareholders and Directors (along with identity and address proof) of these companies during the period from January 1, 2009 till date;

**D. In relation to the Lessor Companies**

- (i) Certified copies of the bank statement of the above mentioned companies for the period from January 1, 2009 to March 31, 2011;
- (ii) Supporting vouchers for security deposit received by the Lessor Companies;
- (iii) Details of the signatory of the Lease Deeds (along with ID and Address proof) executed between RSIGEL and the Lessor Companies;
- (iv) Supporting vouchers for the advances (paid and received) and share application money (paid and received) by all these companies during FY 2008-09, FY 2009-10 and FY 2010-11;
- (v) Title documents in respect of 418 acres of land in Tamil Nadu leased to RSIGEL by the Lessor Companies along with supporting vouchers for payment of consideration by the Lessor Companies for purchase of the said land;



- (vi) *Details of allotment of shares in these companies during FY 2008-09, FY 2009-10 and FY 2010-11 along with the resolutions passed by the Board approving such allotment(s) and supporting vouchers for payment of consideration therefor;*
- (vii) *Complete list of shareholders and Directors (along with identity and address proof) of these companies during the period from January 1, 2009 till date;*
- (viii) *Details of the business being conducted by the Lessor Companies.*

**E. In relation to Anandrao Infrastructure Pvt. Ltd. (AIPL)**

- (i) *Certified copy of Memorandum of Understanding dated December 10, 2008 executed between AIPL and RSIGEL;*
- (ii) *Annual Accounts of AIPL for FY 2006-07 to FY 2009-10 along with supporting vouchers;*
- (iii) *Details (with supporting documents) of all the transactions between APIL and RSIGEL or APIL and any of the other companies mentioned hereinabove.*
- (iv) *Certified extracts of minutes of all meetings of the Board of Directors of AIPL (from the minute Book) held in the years 2008, 2009 and 2010.*

**F. In relation to M/s. Powerwind Ltd.**

- (i) *Certified extracts of minutes of all meetings of the Board of Directors of R.K. Wind (from the Minute Book) held from the year 2008 to till date along with certified extracts of attendance register for the said period.*
- (ii) *Details of technology acquisition(s) and certified copy of contracts entered by Powerwind Ltd.;*
- (iii) *Details of payments made by Powerwind/R.K. Wind for acquisition of technology/ies along with supporting vouchers for the same;*
- (iv) *Details of loans/working capital facilities taken by Powerwind Ltd. from FY 2008-09 to till date;*
- (v) *Details of share capital infused in Powerwind Ltd. by R.S. India Infrapower Ltd. at different times along with certified copy of Board resolutions, return of allotment filed with Registrar of Companies, supporting vouchers;*



**G. In relation to Mr. Raj Kumar Yadav & Mrs. Pinki Yadav**

- (i) *Details of Directorships (including Managing/ Whole time Directorship) held by Mr. Raj Kumar Yadav since 2008 to till date;*
- (ii) *Details of Directorships (including Managing/ Whole time Directorship) held by Mrs. Pinki Yadav since 2008 to till date;*
- (iii) *Details of Equity investments held by Mr. Raj Kumar Yadav in various companies since 2008 to till date;*
- (iv) *Details of Equity investments held by Mrs. Pinki Yadav in various companies since 2008 to till date;*

*A copy of the letter date March 3, 2017 (which was sent via email as well) is annexed herewith and marked as **Annexure-A7**".*

Learned Counsel for the respondent nos. 1 to 4 has opposed the prayer and states that the documents have been sought for extraneous consideration and the list refers to documents which do not relate to respondents 1 to 4.

Having heard the learned Counsel for the parties, we are of the considered view that order dated 14.12.2015 make it absolutely clear that the information or documents whichever is required was to be furnished to the applicant/petitioner within two weeks from the date of the receipt of communication. This has not been done. Moreover, no provision has been shown to us which may raise a bar for the petitioner to obtain a copy of those documents or information.

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In view of above, the application is allowed. It is once again directed that the documents listed as item Nos. A to G, so far they relate to R-1 to R-4 shall be furnished to the applicant/petitioner within four weeks from today. Any violation of this order shall be viewed seriously.

Sd/-

**(CHIEF JUSTICE M.M.KUMAR)  
PRESIDENT**

Sd/-

**(DEEPA KRISHAN)  
MEMBER(TECHNICAL)**

28.08.2017  
V. Sethi