

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

C.P No.65/(MAH)/2013
IA No. 07/2016

CORAM:

Present:

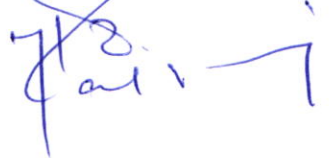


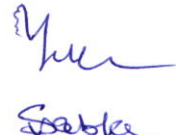
SHRI M. K. SHRAWAT
MEMBER (J)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 03.05.2017

NAME OF THE PARTIES: Uma Chamanlal Anand
V/s.
M/s. Macks Hard Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 397/398 of the Companies Act 1956
and 241/242 of the Companies Act, 2013.

S. No.	NAME	DESIGNATION	SIGNATURE
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1	Rishabh Jaisani for R5	Advocate	
2.	Mr. Gaurav Mehta with N. Janardhanan and Ms. Olka Sulekar for R1, R2(a) and R4	Advocate	
3.	Mr. Suresh Shah i/b Shah Legal for R. Nos. 7 to 9	Advocate	
4.	YV Dhiren with Sahil Datta for Res. 10	Advocate	

P.T.O

Dr. Abhinav Chandrachud
Mr. Rushil Mathur
For Petitioners

Advocates

Rushil

i/b Mulla & Mulla & CB&C

ORDER

C.P. No. 65/241, 242/NCLT/MB/MAH/2016

1. The Learned Representatives of both the sides are present.
2. At the outset the Learned Counsel of the Petitioner has informed that the directions given by this Court/Bench vide an order dated 10-03-2017, to the Respondent No.1 company to disburse monthly a sum of Rs.2,00,000/- (Rupees Two Lakh) in favour of Petitioner No.1, out of the outstanding balance of the deceased admittedly standing in the accounts of the company, has not been carried out. According to the argument of Learned AR of the Petitioner this is a clear contempt of the directions of the Court.
3. From the side of the Respondent it is argued that due to some technical difficulty, the amount could not be disbursed from the " Unclaimed Dividend Account". He has also informed that the said order is challenged before the NCALT, New Delhi.
4. On hearing both the sides, it is found that no stay is granted stopping the operation of the said order of NCLT. Therefore the Respondents have definitely defaulted in making the payment of Rs.2,00,000/- per month to the Petitioner.
5. Hence it is deemed fit to appoint a Court Officer to resolve the difficulty of non-payment. Learned Shri Vinod Sharma, the Official Liquidator, High Court, Bombay, Address: Bank of India Building, 5th Floor, Flora Fountain, along with Sri S.P. Kumar ROC : Address – 5th Floor, Everest Building, Plot No.100, Marine Drive, Mumbai 400 002, are hereby appointed to carry out the directions as stated in the order dated 10th March,2017 i.e. direction of payment.

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6. The Respondents are directed to furnish the Company's latest Financial Position as well as the current position of Credit Balance available in the Bank Accounts of the Company to the Learned Official Liquidator/ROC, hereby appointed, on or before **12th May 2017** at their respective office address(s).
7. The Learned Counsel of the Respondent has reiterated that the amount is not paid to the Petitioner because it is lying in the "Unclaimed Dividend Account"; so the officer/s appointed may be directed to make the payment out of the reserve of "Unclaimed Dividend Account". Ld. O.L./ROC can examine this possibility, if feasible. For effective compliance the Ld. Officers are hereby given full liberty to take due legal steps to execute the directions as per Law. This is to be reiterated that the Petitioner is a Cancer Patient and needed this money urgently for her medical treatment, that too out of her own husband's funds.
8. The Petitioner or Legal Representative shall circulate this order and the order dated 10-03-2017 to the appointed Ld. Officers.
9. The Official Liquidator and ROC is expected to furnish Compliance Report on or before **22nd May, 2017**.
10. The Respondent has pleaded for the stay of the operation of this order. Over ruled/ not granted.
11. Regular hearing of CP along with MA adjourned; to be fixed after the Vacation of the Court, on **27th June, 2017**.

Sd/-

M.K. Shrawat
Member (Judicial)

Dated: 03.05.2017