## NATIONAL COMPANY LAW TRIBUNAL MUMBAI BENCH, MUMBAI

C.P No. 1047/(MAH)/2017 CA No.

CORAM:

Present:

SHRI B.S.V. PRAKASH KUMAR

MEMBER (J)

SHRI V. NALLASENAPATHY MEMBER (T)

ATTENDENCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 23.06.2017

NAME OF THE PARTIES:

Relemac Technologies Pvt.Ltd.

V/s.

Process Construction and Technical Services

Pvt.Ltd.

SECTION OF THE COMPANIES ACT: I & BP Code 2016.

NAME DESIGNATION S. No.

SIGNATURE

1. NESAR AHMAN PCS JOS Apoplicant

2 PASMMEN KONANDERM COUNSER for RESPONDENT

3 MINISM BONDHIARSA ADVOCATE FOR RESPONDENT

## **ORDER**

#### CP No. 1047/ I&BP/NCLT/MB/MAH/2017

In view of the Settlement arrived between the Petitioner and the Corporate Debtor, they have jointly filed an application for withdrawal of the Company Petition.

Looking at the Consent Terms arrived between the parties, the Petition is hereby dismissed as withdrawn.

Sd/-

V. NALLASENAPATHY

Member (Technical)

Encl: Consent Terms.

Sd/-

B.S.V. PRAKASH KUMAR

Member (Judicial)

# BEFORE THE HON'BLE NATIONAL COMPANY LAW TRIBUNAL MUMBAI BENCH AT MUMBAI

COMPANYAPPLICATION NO .....2017

IN

**COMPANY APPLICATION NO 1047/2017** 

IN THE MATTER OF

INSOLVENCY AND BANKRUPTCY CODE 2016, SECTION 9

AND

INTHE MATTER OF

RELEMAC TECHNOLOGIES PRIVATE LIMITED HAVING ITS REGISTERED OFFICE AT HOUSE NO 1449/27, 30 FEET ROAD, LONI ROAD, DURGAPURI, SHAHDARA, DELHI-110093

...... APPLICANT

#### **VERSUS**

PROCESS CONSTRUCTION AND TECHNICAL SERVICES PRIVATE LIMITED HAVING ITS REGISTERED OFFICE AT OFFICE NO 8, 9, 10, 11, 1<sup>ST</sup> FLOOR, SHREE RAMKRISHNA NIWAS, CHS LTD,PLOT NO. 46& 47, SECTOR-40, SEAWOODS, NERUL-WEST NAVI MUMBAI, THANE-400706

RESPONDENT

COMPANY APPLICATION UNDER RULE 11 OF THE NATIONAL COMPANY LAW TRIBUNAL RULES, 2016 READ WITH SECTION 9 OF THE INSOLVENCY AND BANKRUPTCY CODE, 2016 ON BEHALF OF THE APPLICANTS SEEKING ORDER(S)/ DIRECTION(S) BY THE HON'BLE NATIONAL COMPANY LAW TRIBUNAL IN TERMS OF THE MEMORANDUM OF SETTLEMENT DATED JUNE 23rd 2017 ENTERED AND EXECUTED BETWEEN THE PARTIES TO THE ABOVEMENTIONED COMPANY APPLICATION

THE APPLICANTS MOST RESPECTFULLY SHOWETH:

# MUMBAI BENCH AT MUMBAI

COMPANY APPLICATION NO......2017

IN

## **COMPANY APPLICATION NO 1047/2017**

IN THE MATTER OF

INSOLVENCY AND BANKRUPTCY CODE 2016, SECTION 9

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RESPONDENT

#### **INDEX**

S. NO.	DESCRIPTION OF DOCUMENTS	PAGE NO.
1.	Company application under Rule 11 of the National Company	
	Law Tribunal Rules, 2016 read with Section 9 of the	12 11
	Insolvency and Bankruptcy Code, 2016 on behalf of the	
	applicant and respondent seeking order(s)/ direction(s) by the	
	Hon'ble National Company Law Tribunal in terms of	
	Memorandum of Settlement dated June 23 <sup>RD</sup> , 2017 entered	

	and executed between the parties to the abovementioned	
	company application.	
2.	Affidavits verifying the company application.	The state of the s
3.	Annexure-A 1	
	Copy of the Memorandum of Settlement dated June,	
	2017 duly executed and stamped between the parties to the	
	present company application.	

# For Relemac Technologies Private Limited

(Applicant No. 1)

Vivek Gupta Director

Process Construction And Technical Services Private Limited (Applicant No. 2/ Respondent)

Litty George

Director-Project/ Authorized Signatory

Date: Place:

## Filed Through,

NESAR AHMAD	AMRITA NAUTIYAL	AHSAN AHMAD		
Practicing Company Secretaries	Practicing Company Secretaries	Advocate "Sankalp", C-227, Ground		
"Sankalp", C-227, Ground	1, Bina Shopping Centre	Floor, Paryavaran Complex		
Floor Paryavaran Complex,	M.V.Road, Andheri- East	Near Garden of Five Senses		
Near Garden of Five Senses,	Mumbai -400 069	Westend Marg		
Westend Marg	Tel:022 2683 0079/80	New Delhi - 110 030		
New Delhi - 110 030	Mobile: +91 986 746 6887	Tel: +91-11-29536312 Fax:		
Tel: +91-11-29536312 Fax:	Email id :	+91-11-29532342		
+91-11-29532342	amrita.nautiyal@gmail.com	Mob: +91-9891652751		
Mob: +91-9810044367		Email id :		
Email id :	* =177.7	ahsan 123ahmad@yahoo.c		
csnesar367@gmail.com		l in		

- That the abovementioned company application under Section 9 of the Insolvency and Bankruptcy Code, 2016 in the matter of Relemac Technologies Private Limited versus Process Construction and Technical Services Private Limited is pending for adjudication before the Hon'ble National Company Law Tribunal, Mumbai Bench at Mumbai (the Hon'ble Tribunal) and the Hon'ble Tribunal, on the last date of hearing held on June 19, 2017, was pleased to list the matter for further proceedings on June 23, 2017.
- That following the development, the applicant and the respondent jointly made a prayer on June 19, 2017 to the Hon'ble Tribunal to allow them to settle the dispute amicable and sought some time for reporting on June 23, 2017.
- 3. That thereafter the parties to the present company application made sincere efforts to settle the disputes amicably and it was agreed between the parties that the applicant and the respondent shall file a company application before Hon'ble Tribunal for withdrawal of aforementioned company application in the terms and conditions of Memorandum of Settlement dated June 23<sup>rd</sup>, 2017. Annexed herewith and marked as **Annexure A1** is the copy of the Memorandum of Settlement dated June 23<sup>rd</sup>, 2017 duly executed and stamped between the parties to the present company application.

### **PRAYER**

In view of the submissions made hereinabove, the applicants pray for following reliefs: -

- a) passing of the order(s)/ direction(s) by this Hon'ble Tribunal as per the terms and conditions of Memorandum of Settlement dated
   June 23<sup>rd</sup>, 2017 duly executed and stamped between the parties to the present company petition;
- b) dispose off the present company application in terms of the Memorandum of Settlement dated June ...., 2017;
- c) to issue any other appropriate order or direction which this Hon'ble Board may deem fit and proper under the peculiar facts and circumstances of the case.

Relemac Technologies Private Limited

(Applicant No. 1)

Vivek Gupta Director

Process Construction And Technical Services Private Limited (Applicant No. 2/ Respondent

Litty George

Director-Project/ Authorised Signatory

### **VERIFICATION**

We, above named applicants, do hereby solemnly declare that what is stated in paragraphs 1 to 3 are true to our own knowledge and belief, and also based on the records which we believe them to be true and last para is the prayer to this Hon'ble Tribunal..

Solemnly declared at ..... on this

day of June 2017

# Relemac Technologies Private Limited

(Applicant)

317

Vivek Gupta Director

Process Construction And Technical Services Private Limited
(Respondent

Litty George

Director-Project/ Authorised Signatory

Date:

Place:

# Filed Through,

NESAR AHMAD	AMRITA NAUTIYAL	AHSAN AHMAD		
Practicing Company Secretaries	Practicing Company Secretaries	Advocate "Sankalp", C-227, Ground		
"Sankalp", C-227, Ground	1, Bina Shopping Centre	Floor, Paryavaran Complex		
Floor Paryavaran Complex,	M.V.Road, Andheri- East	Near Garden of Five Senses		
Near Garden of Five Senses,	Mumbai -400 069	Westend Marg		
Westend Marg	Tel:022 2683 0079/80	New Delhi - 110 030		
New Delhi - 110 030	Mobile: +91 986 746 6887	Tel: +91-11-29536312 Fax:		
Tel: +91-11-29536312 Fax:	Email id :	+91-11-29532342		
+91-11-29532342	amrita.nautiyal@gmail.com	Mob: +91-9891652751		
Mob: +91-9810044367		Email id :		
Email id:		ahsan 123ahmad@yahoo.co		
csnesar367@gmail.com		<u>.in</u>		



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# MEMORANDUM OF SETTLEMENT

This Memorandum of Settlement is made, on 23<sup>rd</sup> day of June 2017 at Mumbai by and between Relemac Technologies Private Limited, a private company limited by shares having its registered office at House No 1449/27, 30 Feet Road, Loni Road, Durgapuri Shahdara, Delhi-110093 through its director Mr. Vivek Gupta (hereinafter referred to as "the First Party"), which expression shall unless excluded by or repugnant to subject or context be deemed to mean and include its successors and assignees.

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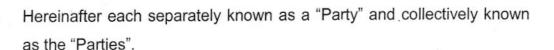
2 2 JUN 2017

# क्रम प्रतिसाम प्राचारी

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	गठी क्यांनी मुहां केल्यापासुन ६ म				•
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#### AND

Process Construction and Technical Services Private Limited, a private company limited by shares having its registered office at office no 8, 9, 10, 11, 1st Floor, Shree Ramkrishna Niwas, CHS Ltd, Plot No. 46& 47, Sector-40, Seawoods, Nerul-West Navi Mumbai, Thane- 400706 through its Director-Project/ authorized signatory, Mr. Litty K George authorised by the Board (hereinafter referred to as "the Second Party" which expression shall unless excluded by or repugnant to subject or context be deemed to mean and include its successors and assignees.)



## **PREAMBLE**

- THAT the First Party is engaged in the business of supplying of Areal Bunch Cable being used in supply of electricity and whereas the Second Party is carrying on the business of installing the aforesaid cable used in supply of the electricity in collaboration of its partner Pravin Electrical Private Limited.
- That the Second Party placed purchase order no. 55/100 dated 14.12.2015 and P.O. No. 109/10 dated 25.10.2016 on First Party for the purchase of the LT Areal Bunch Cable 1300.00 KM and 150.00 KM amounting to Rs. 28,66,49,369 and Rs. 3,28,50,004.60.
- That against the said supply, the Second Party made payments and Rs. 1,66,44,415/- remained as balance amount yet payable by the Second Party to the First Party for the period w.e.f. 01.04.2015 to 31.03.2016 and 01.04.2016 to 31.03.2017.
- 4. That the First Party filed an application in Form 5 under Section 9 of the Insolvency and Bankruptcy Code 2016 read with rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 and the matter for the first time came for

1,200





hearing on June 06, 2017 before the Hon'ble National Company Law Tribunal, Mumbai Bench at Mumbai (the Hon'ble Tribunal).

 That following the aforesaid development, the parties jointly made a prayer on June 19, 2017 to the Hon'ble Tribunal to allow the Parties to settle the dispute amicable and sought some time for reporting on June 23, 2017.



The Parties have agreed to amicably settle the outstanding amount arising out of transactions between the parties, on the following terms and conditions:

- The Second Party shall pay Rs 1, 50,00,000/- (Rupees One Crore Fifty Lakh only) to First Party in the full and final settlement of all its claims against the Second Party through Postdated cheque's (PDC'S) in satisfaction of the outstanding amount for supply of Aerial Bunch Cable.
- 2. The parties have agreed that the Second Party shall pay Rs. 25,00,000/- out of Rs. 1,50,00,000/- upon signing of the present MOS on or before June 28, 2017 through PDC's bearing cheque no. 068494 dated 28-6-2017 and the balance amount of Rs. 1,25,00,000/- shall be paid in four equal installments through PDC's in the following manner:
  - Rs.31, 25,000/- Cheque No.068495 dated 28-7-2017.
  - II. Rs.31, 25,000/- Cheque No.068496 dated 28-8-2017.
  - III. Rs.31, 25,000/- Cheque No.068497 dated 28-9-2017.
  - IV. Rs.31, 25,000/- Cheque No.068498 dated 28-10-2017.
- 3. The Second Party agrees to provide to the First Party all communications as on date with the South Bihar Power Distribution Company Limited, Patna either itself or through to its partner Pravin Electrical Private Limited for the redressal of grievance relating to the supply of Aerial Bunch Cable to the Second Party.





- 4. The First Party shall withdraw present company application no. 1047/2017 filed under Section 9 of the Insolvency and Bankruptcy Code 2016 read with rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 by the First Party against the Second Party.
- 5. The First Party shall also withdraw the Claim Application being application no. 85 of 2017 sent on May 11, 2017 to the helpline/facilitation centre of Haryana Micro, Small and Medium Enterprises which was acknowledged on June 02, 2017 by the facilitation centre functioning under the aegis of Government of Haryana, Industries and Commerce Department.
- The First Party confirms that no litigation, demand, or claim whatsoever has been pending before any Court and/or Tribunal with respect to the present application no. 1047/2017.
- 7. THAT this Agreement has been entered into by and between the Parties and out of their own free will and consent and is without any pressure, force or coercion through anyone whatsoever.
- THAT this Agreement of Settlement will be filed before the Hon'ble Tribunal praying for an order in consonance with the terms and conditions contained in this MOS.
- THAT in case of any difficulty in implementing the present MOS
  the parties will be at liberty to approach the Hon'ble Tribunal for
  appropriate orders and directions

The above agreement is executed between the Parties on June 23<sup>rd</sup>, 2017 at Mumbai and the parties solemnly affirm that they shall abide by all the terms and conditions mentioned herein.





Relemac Technologies Private Limited (the First Party)

Vivek Gupta

Director



Process Construction and Technical Services Pvt. Ltd. (the Second

Party)

Litty K George

Director- Project/ Authorized signatory

Date: 23.06.2017

Place: MUMBAI

Witnessed herewith by the following parties in whose presence the above settlement was arrived.

1. VENKATESH K.IYER Venkation

2.



T SHAHARE NOTARY, GREATER MUMBAL

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EGISTER SEHIAL No. 7682



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प्रधान मुद्रांक कार्यालय, मुंबई प. मु. वि. क्र. ८००००२० 1 6 JUN 2017 सक्षम अधिकारी

थी. हेमंत **सावंत** 

BEFORE THE HON'BLE NATIONAL COMPANY LAW TRIBUNAL MUMBAI BENCH AND MUMBAI COMPANY APPLICANTION NO ............/ 2017

IN COMPANY APPLICATION NO 1047/ 2017

IN THE MATTER OF

INSOLVENCY AND BANKRUPTCY CODE 2016, SECTION 9

INTHE MATTER OF

LIMITED

AND RELEMAC TECHNOLOGIES PRIVATE

**APPLICANT** 

**VERSUS** 

PROCESS CONSTRUCTION AND TECHNICAL SERVICES PRIVATE LIMITED RESPONDENTS

Jush .

जोडपत्र - 9 Annexure - 1

क्रिक्त प्रतिकापत्रासाठी Only for Affidavit

क्रिक्त प्रेणान्य के स्व VIVEK GUP प्रेप

क्रिक्त विकार प्रेणान्य के स्व VIVEK GUP प्रेप

क्रिक्त विकार प्रेणान्य के स्व प्रेप

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# AFFIDAVIT VERIFYING COMPANY APPLICATION

I, Vivek Gupta, son of Mr. Surender Kumar Gupta, presently in Mumbai, residing at House No 1449/27 30 Feet Road Loni Road Durga Puri Delhi-110093, India, do hereby solemnly affirm and state as under:



- That I am the Director of Relemac Technologies Private Limited and
  I have been duly authorised by way of Board Resolution dated April
  26, 2017 to swear and file this affidavit and I am fully conversant
  with the facts and circumstances of the case.
- 2. That the contents made in paragraphs 1-3 of the company application are true to my knowledge and personal belief and are based on records of the Company which I believe them to be true and are also based on the legal advice, the contents made in last paragraph are in the form of Prayer.

DEPONENT

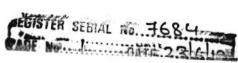
#### VERIFICATION

I, the above named deponent, do hereby verify that the contents of Para 1, and 2 of the above affidavit are true and correct to the best of my knowledge and belief and that no part hereof is false and nothing material has been concealed therefrom.

Verified at Mumba. on this 23rd day of June 2017.

T. T. SHAHARE MUMBAL DEPONENT

,2 3 JUN 2017



Area Cis. Mussbal

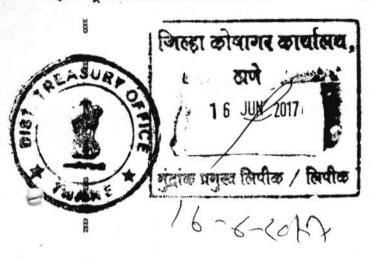


महाराष्ट्र MAHARASHTRA

**2017** 

2 2 JUN 2017

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BEFORE THE HON'BLE NATIONAL COMPANY LAW TRIBUNAL MUMBAI BENCH AND MUMBAI COMPANY APPLICANTION NO ............/ 2017

COMPANY APPLICATION NO 1047/ 2017

IN THE MATTER OF INSOLVENCY AND BANKRUPTCY CODE 2016, SECTION 9

AND
INTHE MATTER OF RELEMAC TECHNOLOGIES PRIVATE LIMITED

...... APPLICANT

**VERSUS** 

PROCESS CONSTRUCTION AND TECHNICAL SERVICES PRIVATE LIMITED RESPONDENTS



# 2 2 JUN 2017

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2 2 JUN 2017

# AFFIDAVIT VERIFYING COMPANY APPLICATION



I, Litty George having my address at shree Ramakrishana Nivas Plot No. 46 & 47, Sector -40, Seawoods, Nerul,(W), Navi Mumbai- 400 706 India, do hereby solemnly affirm and state as under:

- 1. That I am the Director-Project/ authorized signatory of Process Construction And Technical Services Private Limited and I have been duly authorised by way of Board Resolution dated ...... swear and file this affidavit and I am fully conversant with the facts and circumstances of the case.
- 2. That the contents made in paragraphs 1-3 of the company application are true to my knowledge and personal belief and are based on records of the Company which I believe them to be true and are also based on the legal advice, the contents made in last paragraph are in the form of Prayer.

#### VERIFICATION

DEPONENT

DEPONENT

I, the above named deponent, do hereby verify that the contents of Para 1, and 2 of the above affidavit are true and correct to the best of my knowledge and belief and that no part hereof is false and nothing material has been concealed therefrom.

Verified at ...... on this ----day of June, 2017.

# PROCESS CONSTRUCTION & FECHNICAL SERVICES PVT. LTD.



#### **ENGINEERS & CONTRACTORS**

8, 9, 10 & 11, 1st Floor, Shree Ramkrishna Nivas, Plot No. 46 & 47, Sector 40, Seawoods, Nerul (W), Navi Mumbai - 400 706, India

Tel. : +91-022-27708271/72/73, 41706666

Fax : +91-022-27708274 • Web : www.pctspvtltd.com

E-mail: info@pcts.net.in / pctsnerul@gmail.com



ISO 9001:2008
Quality Management System
Certificate No.MAH/Q-1200

CERTIFIED TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING OF BOARD OF DIRECTORS OF THE COMPANY HELD ON 1st May, 2017, AT 8,9,10,11 SHREE RAM KRISHNA NIWAS, PLOT 46 & 47, SECTOR-40, SEAWOODS, NAVI MUMBAI.

dress at 8,9,10,11, Shree Ram Krishna Nivas, Plot 46 & 47, Sector-40, Seawoods, Navi Mumbai- 400 706, be and is hereby authorized to sign and file, on behalf of the Company, application(s),vakalatnama(s) petition(s), suit(s), plaint(s), complaint(s), caveat(s), written statement(s), reply(ies), rejoinder(s), replication(s), affidavit(s), vakalatnama(s), adduce evidence, other documents and papers, compromise application/ consent terms, file appeal(s) and / or review(s) from the Court's order and / or decision and/or execution of the court's orders, and appoint advocate(s), pleader(s) and to appear, before any Court of Law, Tribunal (whether judicial or quasi judicial)with respect to the Company Petition/ Application filed by Relemac Technologies Pvt. Ltd. against the company before Hon'ble National Company Law Tribunaland to do all such acts, matters and things to protect the company's interest and business.

CERTIFIED TRUE COPY
For and on behalf of Board of Directors of

Process Construction & Technical Services Private Limited.

K P Francis Managing Director

> Bague V. V. Bakaro Arto Muzakel Bas. Kan GaU/93