

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

C.P No.32/(MAH)/2017
CA No.


CORAM:

Present: SHRI M. K. SHRAWAT
MEMBER (J)

ATTENDENCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 14.03.2017

NAME OF THE PARTIES: Abhay Madhukar Parulekar
V/s.
M/s. SLN Pharmachem Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 241, 242, 244, 246 of the Companies
Act, 2013.

S. No.	NAME	DESIGNATION	SIGNATURE
1)	Nithish Bangera	PCS for petitioner.	

ORDER

C.P. NO. 32/241,242,244,246/NCLT/MB/MAH/2017

1. The Learned Representative of the Petitioner is present and placed on record the proof of Service of the Petition on the other side.
2. From the records, it transpired that C.P. No.11/2016 has been filed by one Mr. Nitin Madhukar Ligde as a Petitioner V/s Ms. SLN Pharmachem Pvt. Ltd. and Mr. Abhay Parulekar is Respondent No. 2.
3. Now in this Petition (C.P. No. 32/2017) Mr. Abhay Madhukar Parulekar as a Petitioner has filed the Petition against SLN Pharmachem Pvt. Ltd as well as against Mr. Nitin Madhukar Ligde.
4. In C.P. No. 11/2016 certain Orders have been passed according to which a sum of Rs. 25 Lakhs was directed to be deposited by Mr. Abhay Madhukar Parulekar. The Learned Counsel has informed that due compliance has already been made. He has also stated that it is not in his knowledge whether the compliance by the other side i.e. Mr. Nitin Madhukar Ligde who had to deposit Rs. 10 Lakhs have so far been made.

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5. Considering the past record pertaining to C.P. No. 11/2016, there was a serious allegation and counter allegation about the misappropriation and removal of assets/stock of the Company. Since both the sides have placed on record the evidence of removal of stock of the Company, therefore, to safe guard the interest of both the sides, they were directed to deposit the respective amounts as directed by Order dated 06.02.2017 in C.P. No. 11/2016.
6. At present Petitioner in C.P. 32/2017 has raised a serious apprehension that the other side has again made an attempt of removal of stock of the Company and prayed that immediate restraint Order may be passed.
7. Considering the seriousness of the allegations and the background of the case, especially in a situation when the other side has still not complied with the Order to deposit Rs. 10 Lakhs as directed, he is restrained from entering into the premises of R-1 Company.
8. This Order shall also be communicated to the nearest Police Station to maintain peace as also law and order. Any untoward incident should not happen at R-1 Company premises. The Police Officer, if deem fit, can put a seal on the gate of the Factory Premises so that the removal of stock of the Company shall be protected.
9. The Petitioner of C.P. No. 32/2017 is directed to serve Copy of this Order to the other side and to communicate to the concerned Police Authorities.
10. This C.P. No. 32/2017 shall now be clubbed and heard along with C.P. No. 11/2016. Adjourned to **17.03.2017**. The directions given above shall continue until further Orders.

Sd/-

Dated:14.03.2017

Shri M.K. Shrawat
Member (Judicial)