

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

**C. P. NO. 69/2003**  
**CA. NO.**

**CORAM:**


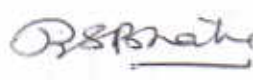
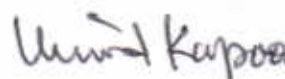
**PRESENT: SH. R.VARDHARAJAN**  
**HON'BLE MEMBER (J)**

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

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NEW DELHI BENCH OF  
THE NATIONAL COMPANY LAW TRIBUNAL ON 22.07.2016 AT 10.30 A.M**

**NAME OF THE COMPANY: M/s Vijay Khanna & Ors. V/s. M/s V.K. Kapoor Associates Pvt.  
Ltd. & Ors.**

**SECTION OF THE COMPANIES ACT: 634A**

<b>S.NO.</b>	<b>NAME</b>	<b>DESIGNATION</b>	<b>REPRESENTATION</b>	<b>SIGNATURE</b>
1	HARI PILLAI with Manish Singhal	Adv.	for Petitioner	
2.	R S BHATIA	PCS	for R1 & R2	
3.	V K Kapoor		R2	

**ORDER**

Despite repeated opportunities given to Respondent No.2 to file the revised Annual Returns, Balance Sheets and P & L accounts w.e.f since 1987 onwards, it appears the same has been not done.

2. Mr.R.S.Bhatia, PCS, and Respondent No.2 now submit that these are not available with them and they are not statutorily bound to maintain them in their office, considering the period is beyond eight years.

Contd/-.....

3. The parties have been litigating since 2003, even though the differences existed much prior in time.

4. Vide order dated 04.01.2007, the respondents were specially directed, inter alia the other reliefs granted to the parties, to comply in this respect. The said order was challenged before the Hon'ble High Court of Delhi and their appeal was dismissed on 12.08.2011. The direction for filing the documents was again reiterated in order dated 10.06.2013. All along, the respondents have been willfully disobeying the directions given by the predecessor Board with the intention of thwarting the relief the petitioners are entitled to. The aforementioned two orders have unequivocally held and observed that the respondent's actions reek of fraud and malafide.

5. In the light of the above, the respondent's submission at this stage that the revised statements are not available or the balance sheets and P & L accounts cannot be filed because of the lapse of time cannot be accepted. There was no such denial or submission made when the aforesaid order was passed or when it attained finality. The disputes have existed between the parties for more than two decades. It would have therefore been prudent for the respondents to maintain the records to repudiate the allegations made by the petitioner. Their obdurate and recalcitrant attitude is nothing short of open defiance of the Board's (now NCLT) orders.

6. To come up for consideration on further action against the respondent on 03.08.2016 at 10.30.

Sdk

(Ina Malhotra)  
Member Judicial

Sd/-

(R.Varadharajan)  
Member Judicial