

राष्ट्रीय कम्पनी विधि न्यायाधिकरण,
इलाहाबाद खण्डपीठ
(National Company Law Tribunal)
(Bench: Allahabad)

सी० पी० नं०/ C P No. 88/ALD/2016

राष्ट्रीय कम्पनी विधि न्यायाधिकरण, इलाहाबाद खण्डपीठ में दिनांक . १९.०९.२०१७ को सुनवाई
का उपस्थिति-सह-आदेश पत्रक:

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF ALLAHABAD BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON-19.09.2017

कम्पनी का नाम :

NAME OF THE COMPANY: Manu Mahato v/s Prism Industrial Complex
कम्पनी अधिनियम की धारा : Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 71(10) of the Companies Act of 2013

क्रम संख्या Sr. No.	नाम Name	पदनाम Designation	प्रतिनिधित्व Representation	हस्ताक्षर Signature
1	Rahul Chandra			
2	Ashutosh Vaish	Adv	For	AV

CPNo. 88/ALD/2017

Petitioner Manu Mahato stands unrepresented.

Advocate, Shri Ashutosh Vaish appears for the Respondent Company. He files an affidavit of compliance of this court's direction dated 4.8.2017 read with previous order dated 24.8.2017 and latest order dated 13.9.2017. As per the compliance affidavit filed by Mr. Subhash Chandra, the Manager of the Respondent company, it is reported that the petitioner had initially invested Rs. Five Lakhs with the Company as a Fixed Deposit out of such deposited amount and amount of Rs. 4,70,000/- as has earlier been paid through ECS payment credited in the account of Manu Mahato and further an amount of Rs. 30,000/- has also been deposited as cash in his account. In support of such statement the respondent company files a copy of deposit slip which seems to be in order.

As, there is no representation from the petitioner Mr. Manu Mahato. We find no solid reason to hold such that the amount towards the FDR of the Respondent Company still remains as unpaid and not unsatisfied. Hence, the present petition can

be disposed of on such ground alone, that the Principal amount of the FDR has been fully paid and stand satisfied.

Notwithstanding the above in order to provide, substantial justice to the party concern, who is an indigent person and not able to come to this court. This court is conscious enough to ensure that the amount of interest accrued if any, on such FDR is still payable to the petitioner.

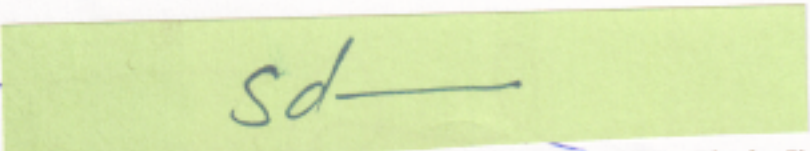
Further, we are not in a position to determine such issue of payment and Rate of Interest, which is a question of disputed facts. Hence, we are disposing of the present petition. With such observation, that petitioner is still liberty to make his claim on interest if accrued and payable before an appropriate Forum of law i.e. Consumer Forum or this Tribunal by separate application, which is to be dealt with in accordance with law and our this order would not operate as resjudicata for raising such issue in fresh petition.

With the above observation, the present petition 88/ALD/2017 is finally disposed of as being infructuous. No order as to cost.

The Registry is directed to communicate a copy of this order to both the parties.

Dated:19.09.2017

Typed by
P.K.Jyoti


Shri H.P. Chaturvedi, Member (Judicial)