

NATIONAL COMPANY LAW TRIBUNAL  
SINGLE BENCH  
CHENNAI

4

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI  
NATIONAL COMPANY LAW TRIBUNAL, HELD ON 05/01/2018 AT 10.30 AM

PRESENT: SHRI Ch. MOHD SHARIEF TARIQ, MEMBER-JUDICIAL

APPLICATION NUMBER :  
PETITION NUMBER : CP/45/2017  
NAME OF THE PETITIONER(S) : BRAKES INDIA PVT. LTD.  
NAME OF THE RESPONDENT(S) : SEI ARJUN POWER PVT LTD & 6 ORS  
UNDER SECTION : 241/242-

S.No.	Name (in Capital)	Represented by	Signature
1.	PAWAN SHOBARH	Counsel for R4, R7	K.P. Ghosh
2.	P. Gurudharan S. Mukundan	Counsel for R1	P. Gurudharan
3.	R. Venkatavaradan (S) Chandramouli Prabhakar	Counsel for Petitioner/ Applicant	R. Venkatavaradan, (S) Chandramouli
4)	ANANT MERATHIA	Counsel for R5 & R6	Anant

**ORDER**

Mr. Sethuraman, Auditor in person present. Counsel for the Petitioner present. Counsels for R1, for R4 and R7 and for R5 and R6 are present. No representation on behalf of R2 and R3. Counsel for the Petitioner filed an affidavit along with the proof of service on R2. The same is placed on record. In spite of the service on R2, there is no representation. Therefore, R2 is proceeded *ex parte*. In relation to R3, Counsel for the Petitioner submitted that the notice has been sent to the Registered Office address but that has not been served and further submitted that Counsel for R4 is in a position to provide the address of R3. Counsel for R4 is directed to provide the latest address of the R3 to the Petitioner.

As seen from the order dated 15.12.2017, on the issue of ratification of audited Balance Sheet, Profit and Loss Account, Directors' Report and Auditor's Report for the Financial Year 2014-2015 and 2015-2016, etc. that has been raised by the Counsel for Respondents, a direction was given for the presence of the Auditor in person before this Bench to explain as to whether he has asked the 1st Respondent Company for ratification of any of the matters referred herein above. He has submitted that the Company has appointed him as Auditor and it has come to his knowledge that the parties are under litigation before the NCLT and he sought the clarification from the Company, with regard to validity of his appointment, but, has not asked/requested the 1st Respondent Company for ratification of the matter mentioned above. The Auditor stands relieved.

Counsel for the Respondent prayed for time to seek fresh instructions from his client in relation to the proposed EOGM for ratification of the audited balance sheet, profit and loss account, report of Directors and Auditor's Report for the year 2014-2015 and 2015-2016. Counsel for the Petitioner is directed to file the rejoinder by providing a copy to the other side. Put up on **22.01.2018 at 10.30 A.M.**

- 59 -  
(CH. MOHD SHARIEF TARIQ)  
MEMBER (JUDICIAL)