


NATIONAL COMPANY LAW TRIBUNAL
DIVISIONAL BENCH
CHENNAI

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI
NATIONAL COMPANY LAW TRIBUNAL, HELD ON 25/04/2017 AT 10.30 AM


PRESENT: SHRI K. ANANTHA PADMANABHA SWAMY, MEMBER-JUDICIAL
SHRI Ch. MOHD SHARIEF TARIQ, MEMBER-JUDICIAL

PETITION NUMBER : CP/4/2016
NAME OF THE PETITIONER(S) : YSP PAULRAJ
NAME OF THE RESPONDENT(S) : STORE N MOVE PVT LTD
UNDER SECTION : 241/242 OF COMPANIES ACT 2016

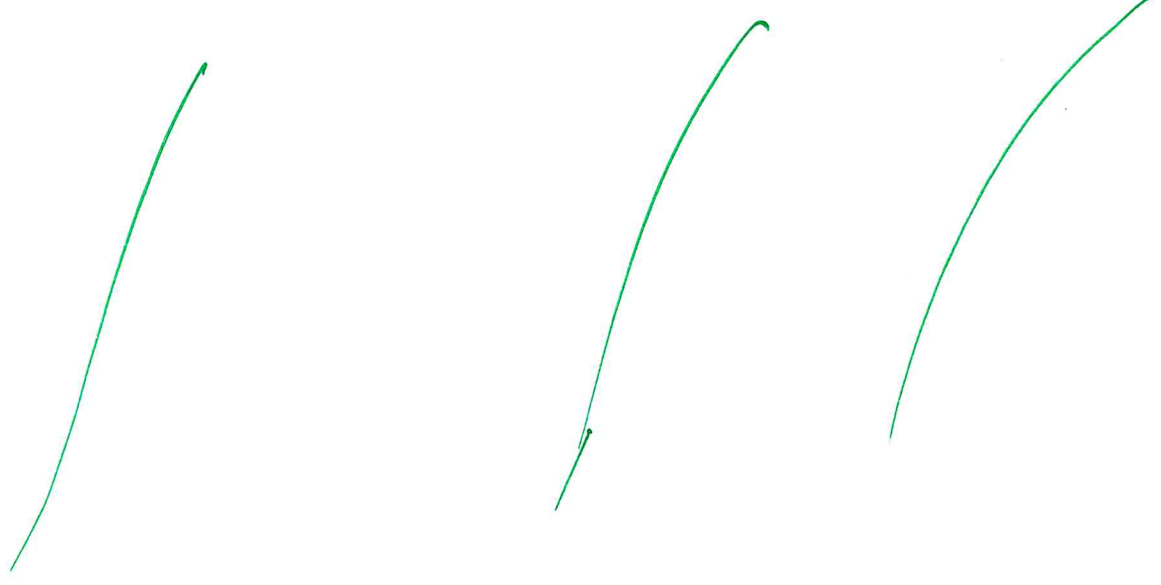
S.No.	NAME (IN CAPITAL)	DESIGNATION	SIGNATURE
REPRESENTATION BY WHOM			

1.	H. KARTHIK SEKHARI N.P. VISAY KUMAR	Counsel for Petitioner	
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2.	K. Kamesh Mrs. Kamalingam Associate Counsel for R ₁ , R ₄ , R ₅ By E. OMPRAKASH, Senior Counsel.		
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3.	T. SARAVANAN N. DHATCHAYANI	Counsel for R _{2, 3 + 6}	
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ORDER

Counsel representing both the parties are present. Counsel for the petitioner has filed a memo wherein details has been given about the fee/remuneration that has been fixed by the Chartered Accountants, M/s Sundaram & Srinivasan. The Chartered Accountant's letter is attached with the memo which indicates that there are two requirements to carry out the assignment as per the order passed on 1.2.2017 i.e. i) the payment of the fees is fixed as Rs.10 lakhs, 50% of which is required to be paid in advance by both the parties in the ratio of 50:50. ii) the second requirement is information or the facility of having necessary information for the purpose of audit. If the requirements are fulfilled the assignment of audit can be completed by 30 June 2017. A copy of the memo is furnished to the other side alongwith the letter of the auditor.

2. It is on record that the order for determining the true and fair value of the shares of the R1 company and probing the allegations relating to R6 in respect of divergence of funds of R1 company was passed on 1.2.2017. Thereafter, R2, R3 & R6 have filed an appeal before the Hon'ble NCLAT and the interim orders passed by this Bench on 17.3.2017 and 3.4.2017 indicate that the respondents have been praying time on the ground that the appeal has been filed against the order dated 1.2.2017. Considering it that in the event, the appeal is allowed, then the report of the Auditor will be a futile exercise. Thus, considering the pendency of the appeal and the submissions of the respondents, this Bench has allowed time for final outcome of the appeal. The appeal has been disposed of on 11.4.2017 and on 18.4.2017 this Bench has ordered to the Chartered Accountant to carry out the assignment as per the order dated 1.2.2017. Now, the Chartered Accountant has initiated the process by fixing his remuneration to be paid in the ratio of 50:50 by both the parties. The parties are directed to make the payment of Rs.2.5 lakhs/Rs.2.5 lakhs to the Chartered Accountant within 10 days from today.

3. Considering the nature, volume, complexities involved in the assignment, and in the interest of justice/ to do justice between the parties, it is urgently required that the time period given by their Lordship in their order dated 11.4.2017 be extended till 30.06.2017. Accordingly we extend the time for completion of the assignment by the Chartered Accountant till 30.06.2017 and direct the parties to pay the advance of Rs.2.5 lakhs each to the Chartered Accountant and coordinate with him by providing all necessary information, books of accounts and other records for carrying out the assignment as mandated in the order dated 1.2.2017.

4. The order is pronounced in open court in the presence of both the parties. The parties are directed to make compliance with this order as directed. The Registry is directed to furnish a copy of this order to the Chartered Accountant.


(Ch. Md. Sharief Tariq)
Member (Judicial)


(K. Anantha Padmanabha Swamy)
Member (Judicial)