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BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA

C.A.No. 1616/2015
In
C.P.No. 156/2013

CORAM :

Shri V.P.Singh
Hon'ble Member(J)
S. Vijayaraghavan
Hon'ble Member(T)

In the matter of the Companies Act, 1956 : Sections 111A, 235,284, 397, 398,
399, 402, 403 and 406

In the matter of : Pawan Kumar Shadija & Ors.Petitioners
Versus
Akruti Trexim Private Limited & Ors.Respondents

Parties on Record:

Mr. Ratnanko Banerji, Sr. Advocate]
Mr. Anirudhha Roy Advocate]
Mr. Shaunak Mitra, Advocate] For Petitioners
Mr. Gaurav Khaitan, Advocate]
Ms. Pritha Basu, Advocate]

Mr. Jishnu Saha, Sr. Advocate]
Mr. N. Dasgupta, Advocate]
Mr. D. N. Dey, Advocate] For Respondent Nos. 1 to 7
Mr. J. Patnaik, FCS]

ORDER

(Date of hearing : 18/08/2016)

The instant Company Application being C.A. No. 1616/2015 has been filed by the Respondent – Applicant Nos. 1 to 7 for modification/amendment of the CLB's orders dated 11th March 2015 and 16th April 2016 as prayed for in his C.A.No. 1616/2016.

The applicant (Respondent No.2) in this case has sought for suitable order for amending the instant order of the Company Law Board wherein a Special Officer has been nominated to verify the bills, vouchers and other supporting documents before signing cheques along with petitioner no. 1 in C.P. No. 156 of 2013.

The petitioner No 1 has submitted that because of the inordinate delay/refusal by the respondent No 2 , the cheques are not being signed and day to day affairs of the Company are getting adversely affected.

The petitioner has requested that the respondent no. 2 be allowed to sign the cheques and the same be verified by the Learned Special Officer and if the cheques are found valid, the same may be proceeded with towards encashment. However, due to the ongoing conflict for gaining control of the Company it will satisfy all the applicants in this C.A.No. 1616/2015 if the arrangement made by the Company Law Board dated 11th March, 2015 and 16th April 2015 be modified to make the Special Officer along with petitioner

No. 1 and respondent No. 2 for operating the IDBI Bank Account and the SBI Bank Account for the respondent No. 1, the AkruTi Trexim Private Limited. Out of the three joint signatories, two will have to sign the cheques for valid encashment. Attention of the Bank authorities may be drawn to this Order and they may be requested to acknowledge the receipt of this Order. The said Bank Accounts will be jointly operated by the Special Officer along with one of the two mentioned above.

Sd -
Vijai Pratap Singh
Member(J)

Sd -
S. Vijayaraghavan
Member(T)

Place : KOLKATA

Dated, the 19th day of August, 2016