

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

C.P NO. 120(ND)/2016  
CA NO.

CORAM:

PRESENT: CHIEF JUSTICE M. M. KUMAR  
Hon'ble President

SH. S. K. MOHAPATRA  
Hon'ble Member (T)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF PRINCIPAL BENCH OF THE  
NATIONAL COMPANY LAW TRIBUNAL ON 30.09.2016

NAME OF THE COMPANY: Sh. Vijay Kumar Gupta & ors.

V/s.

M/s. S.R. Cottex Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 241/242 of the Companies Act 1956 and 241/242 of the  
Companies Act 2013.

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
1.	Mr. Naveen Dahiya.	Adv.	} Petitioners.	} Karan Malhotra
2.	Mr. Karan Malhotra.	Adv.		

**Order**

In the order dated 30-08-2016, the respondent, through his counsel, has filed an undertaking along with an affidavit to pay a sum of Rs. 5,75,00,000/- to the petitioner, with interest, which was as per the terms of agreement with the petitioner. The aforesaid order is set out below :

1. "In pursuance of order dated 22.8.2016, an affidavit has been filed by Respondent No.2 with an undertaking to pay the Petitioner a sum of Rs. 5.75,00,000/- (Rupees Five crores and seventy five lakhs only) with interest as per agreement with the Petitioner within a period of four to six weeks i.e. from 27.8.2016 to 11.10.2016. However, after obtaining instructions, Learned Counsel for the deponent states that the undertaking as per the directions issued by this Court has to be for payment within a period of four weeks from today from 30<sup>th</sup> August 2016 to 29<sup>th</sup> September 2016.

P.T.O.


2. *Learned counsel for the deponent, Mr. Aditya Pratap Singh, after obtaining instructions states that the payment of Rs. 5,75,00,000/- shall be made within four weeks and the undertaking given in the affidavit for six weeks be deemed to be erroneous.*
3. *On the basis of aforesaid undertaking based on the instructions received from Learned Counsel Mr Aditya Pratap Singh, a period of four weeks is granted for making the payment. If the payment is not made within time as per undertaking, then the proceedings for contempt as per law shall be initiated . In the meanwhile, rejoinder be filed by the petitioner within three weeks.*

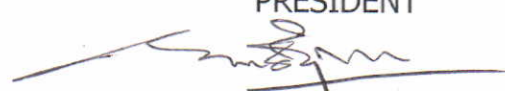
*Interim Orders to continue."*

2. It is evident from para 3 of the order that in case the payment is not made within the stipulated time as per the undertaking, then the proceedings for contempt shall be initiated.
3. Notice to show cause to the deponent Mr. Aditya Pratap Singh why proceedings for contempt should not be initiated against him.
4. In the meantime, the petitioner may file rejoinder with a copy in advance to the counsel opposite by 04.10.2016.

Interim orders to continue.

List for further consideration on 5.10.2016.

  
(CHIEF JUSTICE M.M. KUMAR)  
PRESIDENT

  
(S.K. MOHAPATRA)  
MEMBER (T)

30.9.2016  
(P.K.Sud)