

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

C.P NO. 1(ND)/2014  
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 16.09.2016


NAME OF THE COMPANY: M/s. Servsystem Pvt. Ltd. & Ors.


V/s.

Rose Serviced Apartments (India) Pvt. Ltd. & Ors.

SECTION OF THE COMPANIES ACT: 397/398 of the Companies Act 1956 and 241/242 of the  
Companies Act 2013.

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
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1.	MR H.L TIKU	SR. ADV.	RESPONDENT No.1&2	} 
2.	MR. RAJNISH SINHA	ADV	RESPONDENT No.3.	
3.	MS. NEHA KHURANA	ADV.	R. No 1 to 3	
4.	MR. SHUBHANKER SEN	ADV	R. No. 1 to 3	

5.	Mr. K. Datta,	Adv.	} PETITIONER	} 
6.	Mr. Adhir Sood,	Adv.		
7.	Ms. Namrata Bhagmatula,	Adv.		
8.	Ms. Nayantra Vohra,	Adv.		

P.T.O.

## Order

The nature of prayer made in these two applications (CA 283/C-2/2015 and CA 284/C-2/2015) is similar. The applicant – petitioner has prayed for issue of directions to the respondents for production and inspection by the applicant - petitioner of the documents as stated in para 9 of CA No. 283/C-2/2015 and paras 7 & 9 of CA No. 284/C-2/2015. Replies to the applications have been filed where the stand taken is that since there is already an oral settlement, hence the inspection cannot be permitted.

2. After hearing the learned counsels for the parties at some length and keeping in view the interim order dated 02-01-2014 passed by the erstwhile CLB, we are of the view that the applications can be disposed of by directing the respondents to keep the original documents ready for perusal of the Court which are dated 05-08-2013 for the sale of specified properties and copy in proof of consideration received on 05-11-2013 for the sale of the properties. (CA 283/C-2/2015). The aforesaid documents, if necessary, shall be perused by the Court at the time of final arguments and inspection, according to law during the hearing, may be permitted.

4. In the other application (CA 284/C-2/2015) the following documents have been mentioned and their inspection is prayed for :

"7.....

- i. A sale deed allegedly dated October 30, 2013 for the property at Vatika Apartment –Flat I, Project Iris Row, Gurgaon, listed in paragraph 6(iii) above.
- ii. An agreement to sell allegedly dated May 30, 2013 for the property at Capital Court, Munirka, new Delhi, listed in paragraph 6(iv) above.
- iii. Instruments for creation of charge for the property at Capital Court, Munirka, New Delhi, listed in paragraph 6(iv) above, allegedly charged to Axis Bank and ING Vyasya Bank.
- iv. A sale agreement allegedly dated August 30, 2013, for the property and Greater Kailash-II (Masjid Moth) listed in paragraph 6(i) above.
- v. Instrument for creation of charge for the property at Greater Kailash-II (Masjid Moth) listed in paragraph 6(i) above, allegedly charged to Axis Bank and
- vi. A cheque allegedly dated August 29, 2013 for Rs. 95 lakh and a cheque allegedly dated September 1, 2013 for an amount of Rs. 4 lakh for the property at Greater Kailash-II (Masjid Moth) listed in paragraph 6(i) above."



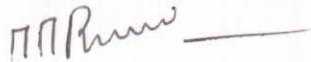
"9. Through the present application, the application/petitioner seeks the production of the following documents, all of which have been relied upon and adverted to by the Respondents No. 1 & 2 in their pleadings

- i. The documents listed in paragraph 7 above.
- ii. Copies of proofs of encashment of the cheque allegedly dated August 29, 2013 for Rs. 95 lakh and the cheque allegedly dated September 1, 2013 for Rs. 4 lakh for the property at Greater Kailash-II (Masjid Moth) listed in paragraph 6(i) above; accompanied by an affidavit in support of the veracity of each of the cheques and each of the proofs of encashment.
- iii. Copies of any proof of receipt of consideration of Rs. 1.2 crore received for the sale of Vatika Apartment – flat 1, Project Iris Row, Gurgaon listed in paragraph 6(iii) above and proof of receipt of an advanced payment of Rs. 30 lakh for an agreement to sell allegedly dated May 30, 2013 for the property at Capital Court, Munirka, New Delhi listed in paragraph 6(iv) above accompanied by an affidavit in support of the veracity of such proofs."

The aforesaid documents shall also be kept ready by the respondents for the perusal of the Court and if any necessity to grant inspection is felt as per law, then the same would be permitted.

5. Synopsis by both the parties shall be prepared and filed in advance to facilitate the arguments.

List for arguments on 16.11.2016.

  
(CHIEF JUSTICE M.M. KUMAR)  
PRESIDENT

  
(S.K. MOHAPATRA)  
MEMBER (T)