

NATIONAL COMPANY LAW APPELLATE TRIBUNAL

PRINCIPAL BENCH

NEW DELHI

COMPANY APPEAL (AT) no.52/2024

In the matter of:

Vimal Agrawal & Anr

Appellant

Vs

Kamal N Agrawal & Ors

Respondent

For Appellant: Mr. Rishi Sood, Mr Prafull Singh, Advocates.

For Respondent: Ms Kaushambi, Advocate for R2.

ORDER

HYBRID MODE

22.07.2025: List the matter for hearing on **13.10.2025.**

(Justice Yogesh Khanna)

Member (Judicial)

(Mr Indevar Pandey)

Member (Technical)

Bm/md

NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) No. 52 of 2024

IN THE MATTER OF:

Vimal Agrawal & Anr

...Appellant(s)

Versus

Kamal N. Agrawal & Ors

...Respondent(s)

Present:

**For Appellant(s) : Mr. Rishi Sood & Prafull Singh Chandel,
Advocates.**

For Respondent(s) : None.

ORDER
(HYBRID MODE)

23.04.2025: List the matter on **22.07.2025.**

[Justice Yogesh Khanna]
Member (Judicial)

[Mr. Ajai Das Mehrotra]
Member (Technical)

Shweta/MD

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) No.52 of 2024

In the matter of:

Vimal Agrawal & Anr. ...Appellants

Vs.

Kamal N. Agrawal & Ors. ...Respondents

Present:

Appellant: Mr. Rishi Sood and Mr. Praful Singh Chandel, Advocates

Respondent: Mr. Gaurav Raj, Advocate for R1 to 3

ORDER
(Hybrid Mode)

7.2.2025 - Last opportunity is granted to the Respondents No.1 to 3 to file Reply within three weeks. Rejoinder be filed within three weeks thereafter.

List on 23rd April, 2025.

[Justice Yogesh Khanna]
Member (Judicial)

[Mr. Ajai Das Mehrotra]
Member (Technical)

rs/md

NATIONAL COMPANY LAW APPELLATE TRIBUNAL

PRINCIPAL BENCH

NEW DELHI

COMPANY APPEAL (AT) NO.52 OF 2024

In the matter of:

Vimal Agrawal & Anr

Appellant

Vs

Kamal N Agrawal & Ors

Respondent

For Appellant: Mr Rishi Sood and Mr Prafull Singh Chandel, Advocates.

For Respondent: Mr Paras Mittal, Mr. Prakhar Mittal, Advocates.

ORDER

HYBRID MODE

22.11.2024: Learned counsel for Respondent No.1 to 3 intends to file reply.

Be filed within four weeks from today. Rejoinder, if any, be filed within four weeks thereafter.

List the matter on **07.02.2025**.

(Justice Yogesh Khanna)
Member (Judicial)

(Mr. Ajai Das Mehrotra)
Member (Technical)

Bm/md

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) No.52 of 2024

In the matter of:

Vimal Agrawal & Anr. ...Appellants

Vs.

Kamal N. Agrawal & Ors. ...Respondents

Present:

Appellant: Mr. Tushar Rathee and Mr. Rishi Sood Advocates

Respondent:

ORDER
(Hybrid Mode)

23.9.2024 - It is submitted by the learned Counsel for the Appellant the Respondents are appearing in Court No.1 and the matter is listed for tomorrow i.e. 24.9.2024. Learned Counsel for the Appellant seeks Dasti Notice to be served upon them outside the Court. Let Dasti Notice be issued to the Appellant for service of the Respondents.

The matter be listed for 22nd November, 2024.

[Justice Yogesh Khanna]
Member (Judicial)

[Mr. Ajai Das Mehrotra]
Member (Technical)

rs/md

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) No. 52 of 2024

IN THE MATTER OF:

Vimal Agrawal & Anr.

...Appellant(s)

Versus

Kamal N. Agarwal & Ors.

...Respondent(s)

Present:

For Appellant : Mr. Rishi Sood, Mr. Gurjat Singh, Advocates.

For Respondents : None.

ORDER
(Hybrid Mode)

03.09.2024: List this appeal on **23.09.2024.**

[Justice Yogesh Khanna]
Member (Judicial)

[Mr. Ajai Das Mehrotra]
Member (Technical)

R.N./Manu

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) No.52 of 2024

In the matter of:

Vimal Agrawal & Anr.

...Appellants

Vs.

Kamal N. Agrawal & Ors.

...Respondents

Present:

Appellant: Mr. Rishi Sood and Mr. Gurjot Singh, Advocates

Respondent:

ORDER
(Hybrid Mode)

06.08.2024 - List on 3rd September, 2024.

[Justice Yogesh Khanna]
Member (Judicial)

[Mr. Ajai Das Mehrotra]
Member (Technical)

rs/md

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) No. 52 of 2024

IN THE MATTER OF:

Vimal Agrawal & Anr.

...Appellants

Versus

Kamal N. Agrawal & Ors.

...Respondents

Present:

For Appellant : Mr. Rishi Sood, Advocate.

For Respondents : None.

ORDER
(Hybrid Mode)

30.04.2024: No one has appeared for respondents today. Let bailable warrants be issued against R1 to R3 in the sum of Rs. 50,000/- with one surety each of Rs. 50,000/- through concerned SHO of the area.

Matter be listed on 6.8.2024.

[Justice Yogesh Khanna]
Member (Judicial)

[Ajai Das Mehrotra]
Member (Technical)

harleen/Md

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) No. 52 of 2024

IN THE MATTER OF:

Vimal Agrawal & Anr

...Appellants

Versus

Kamal N. Agrawal & Ors.

...Respondents

Present:

For Appellant : Mr. Rishi Sood, Advocate

For Respondent : None

ORDER
(Hybrid Mode)

21.03.2024

List on **30.04.2024.**

[Justice Yogesh Khanna]
Member (Judicial)

[Mr. Arun Baroka]
Member (Technical)

pks/md

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) No. 52 of 2024

IN THE MATTER OF:

Vimal Agrawal & Anr.

...Appellants

Versus

Kamal N. Agrawal & Ors.

...Respondents

Present:

For Appellant : Mr. Rishi Sood, Mr. Gurjot Singh and Mr. Tushar Rathee, Advocates

For Respondent : None

ORDER
(Hybrid Mode)

19.02.2024 Heard the Learned Counsel for the Appellants.

Notice be issued to the Respondents through speed post returnable by four weeks. Learned Counsel for the Appellants is required to pay the 'process fee' and file the Requisites, before the 'Office of the Registry', to be filed within three working days beginning from tomorrow i.e. 20.02.2024.

The 'Office of the Registry', is directed to 'List' the matter on **21.03.2024**.

[Justice M. Venugopal]
Member (Judicial)

[Mr. Arun Baroka]
Member (Technical)

pks/md

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

**Company Appeal (AT) No.245 of 2023
& I.A. No. 6098 of 2023**

IN THE MATTER OF:

Vimal Agarwal & Anr.

...Appellants

Versus

Supreme Transport Organisation Pvt. Ltd. & Ors.

...Respondents

Present:

For Appellants: Mr. Rishi Sood, Mr. Hurjot Singh and Mr. Prafull Singh, Advocates.

For Respondents: Ms. Pooja Mahajan and Mr. Savar Mahajan, Advocates for RP.

Mr. Sonam Sharma, Ms. Riddhi Jain, Ms. Damini and Mr. Rehan Verma, Advcates for R-2, 3 & 4.

ORDER
(Hybrid Mode)

08.01.2024: This Appeal has been filed against order dated 02.08.2023 passed in CA No. 324 of 2023 in C.P. No. 88(MB)2015. Appellant has filed an application before the NCLT, Mumbai, Court-1 seeking an injunction in respect of Board meeting which was scheduled to take place on 03.08.2023. The EoGM was to be held on 03.08.2023. Application was rejected on 02.08.2023. This Appeal has been filed aggrieved by the order refusing to grant injunction as prayed in the application.

2. The date on which EoGM was to be held is already over and injunction as prayed for all purposes has become infructuous and not enforceable with regard to meeting which was to be held on 03.08.2023. We are of the view

Cont'd.../

that this appeal has become infructuous. We only observe that it is open for the Appellant to take such other legal proceedings as permissible in law.

3. Learned counsel for the Appellant submits that correctness of the order is required to be considered in this Appeal. When order has already carried its effect and the prayer of injunction which was sought has become infructuous, we see no reason to enter into issues as raised by the Appellant. The Appeal having become infructuous no purpose shall be served in keeping the Appeal pending. Appeal is dismissed as infructuous.

**[Justice Ashok Bhushan]
Chairperson**

**[Barun Mitra]
Member (Technical)**

**[Arun Baroka]
Member (Technical)**

Archana/nn

**THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH-I**

Contempt Application 04 OF 2023

Under Section 425 of the Companies Act,
2013

Mr. Vimal Agrawal & Another

...Applicant

Vs.

Mr. Kamal N. Agrawal & others

...Contemnors

In

Company Application 625 OF 2022

Under Companies Act, 2013

Mr. Vimal Agrawal & Another

...Applicant

Vs.

Supreme Transport Organisation Pvt. Ltd.
& Others

...Respondent

In the matter of

Company Petition 88 OF 2015

Under Section 397-398 of the Companies
Act, 1956

Mr. Satish Kisanlal Agrawal (Deceased)
& others

...Petitioners

THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH-I

Contempt Application 04 OF 2023

In

Company Application 625 OF 2022

In

Company Petition 88 OF 2015

Vs.

Supreme Transport Organisation Pvt. Ltd.
& Others

...Respondents

Order delivered on: 19/12/2023

Coram:

Shri Prabhat Kumar
Hon'ble Member (Technical)

Justice Shri V.G. Bisht
Hon'ble Member (Judicial)

Appearances (via videoconferencing):

For the Applicant : Mr. Rishi Sood a/w Ms.
Surbhi Soni, Advocate

For the Respondent : Ms. Mily Ghoshal a/w Ms.
Sophia, Advocate

ORDER

Per: V.G. Bisht, Member (Judicial)

1. This Contempt Application No. 4/2023 has been filed by Shri Vimal Agrawal and Shri Girish Agrawal ("Applicants") against Shri Kamal N Agrawal, Shri Anmeet Kamal Agrawal and Shri Akash Kamal Agrawal ("Contemnor No1, 2 & 3" respectively) in the matter of proceeding u/s 397-398 of the Companies Act, 1956 in CP No. 88/2015 in case of Supreme Transport Organisation Private Limited. The Applicant has sought following reliefs:

THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH-I

Contempt Application 04 OF 2023

In

Company Application 625 OF 2022

In

Company Petition 88 OF 2015

- a. Hold the Contemnors guilty of contempt for wilfully disobeying the Order dated 05.12.2022 of this Hon'ble Tribunal and punish them with strict imprisonment and severe fine;
 - b. To cancel all the sale transactions undertaken in violation of the orders of this Hon'ble Tribunal dated 25.04.2017 and 05.12.2022;
 - c. Cancel the sale of Aircraft VT-UDN Cessna Grand Caravan currently lying at the Mundra Sea Port and bring it back to the Company;
 - d. In the alternative deposit the market value of the assets of the Company Le Rs.9 crores on account of sale of property at Kanakia Wall Street, Mumbai plus Rs. 1 crore on account of sale of property at Ahmedabad plus Rs.15 crores on account of sale of Vehicles plus Rs. 4.5 crores on account of sale of aircraft all totaling to Rs. 29.5 crores plus sale proceeds arising out of sale of any other properties;
 - e. Direct deposit of passports of the Contemnors before this Hon'ble Tribunal and direct them not to leave India;
 - f. Direct the Contemnors to pay the cost of this Petition;
 - g. Direct any further order(s)/directions be passed as this Hon'ble Tribunal may deem fit.
2. This Tribunal vide order dated 05.12.2022 had directed the Contemnor No.1 to 3 who were Respondent No.2, 5 & 6 in CP 88/2015 to maintain status-quo (as on today) till next date of hearing i.e. 24.01.2023. This status-quo was in relation to sale of properties of Respondent Company apprehended by the Petitioners.
3. The Applicants have filed the present Contempt Petition under section 425 OF the Companies Act, 2013 for wilful disobedience of the order dated 05.12.2022 of this Tribunal, by the Contemnors herein who are the

THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH-I

Contempt Application 04 OF 2023

In

Company Application 625 OF 2022

In

Company Petition 88 OF 2015

Respondent Nos. 2, 5 and 6 in the main Company Petition No. 88(MB) of 2015 and are in charge of the day-to-day affairs of the Respondent Company.

4. It is the case of the Applicant that the Contemnor No.1 to 3 are in charge of the day to day affairs of the Respondent Company and are bound by the orders of this Bench. While they had represented before this Tribunal on 25.04.2017, which is recorded in the daily order passed on that day, that company is not selling any property and this Tribunal had ordered status-quo on 05.12.2022 taking note of this record. However, the applicants came across one advertisement in the newspaper “The Times of India, Mumbai Edition, dated 20.01.2023” by Mr. Bhalchandra H Nikte, Advocate for Nikte & Nikte, having office at 201, Amelia, Near Hotel Ambassador, Model Colony, Shivaji Nagar, Pune-411016, contact details 020-25651112/13 seeking to investigate the clear and marketable title of all piece and parcel of Final Plot admeasuring 5460 sq.mtrs carved out of Survey No.103/12/A area admeasuring 2810 sq.mtr, Survey No. 103/2, area admeasuring 430 Sq.mtr & Survey No. 102/2/A area admeasuring 2220 sq.mtr located at village Khanwale, Taluka Panvel, District Raigad, Maharashtra of the Respondent Company worth almost Rs.16 Crores. Upon enquiry of the said advertiser, the applicants became aware that in blatant disregard and wilful disobedience to the directions of this Tribunal dated 05.12.2022, the contemnors were in the process of selling the said property to shell company and that is why the Advocate on behalf of Shell Company was investigating the clear and marketable title.
5. It is further stated by the Applicant that this properties are hypothecated in favour of the Axis Bank against loan and CC limit where are became NPA and the conduct of the company to sell its mortgage property is a fraud on the banks.
6. Heard learned counsel and perused the materials available on record.

Contempt Application 04 OF 2023

In

Company Application 625 OF 2022

In

Company Petition 88 OF 2015

- 6.1. We find that the present application is made out on the basis of the advertisement by third party in relation to Respondent Company property and it is not the case that such sale transaction has concluded in defiance of order dated 05.12.2022. We find that this Bench has imposed status-quo and advertisement by third party who may be willing buyer cannot be construed in defiance of order dated 05.12.2022.
- 6.2. As regards sale of Kanakia Property on 12.11.2022, we find that this sale was concluded prior to order dated 05.12.2022. On perusal of order dated 25.04.2017, we find that there was a statement from the Respondents that company is not selling the property, but no order came to be passed by this Bench. Further, this came to be recorded on the issue of urgent hearing in the case and the then Bench adjourned the matter to next date after holding that “we don’t find any urgency in this case”. We find it difficult to hold that said statement may hold good even after five years in the absence of any court order which may have a binding affect. Simply record of the statement of the party cannot be construed as disobedience of the order.
- 6.3. As regards sale of aircraft stated to have taken place on 10.12.2022 on the basis of the sale invoice, we find that this sale was concluded in accordance with the agreement dated 20.07.2022. Accordingly, we do not find wilful defiance of order of this Bench in relation to this sale also as the Respondent Company has proceeded to sell pursuant to agreement dated 20.07.2022 as stated on the invoice. We further find that applicant has not made any averment alleging that the said agreement was not in existence on 05.12.2022 when this Bench has passed a status-quo order. It is clarified that this conclusion is based on the prima-facie documents placed before us. Since agreement dated 20.07.2022 is not available before us we are not commenting on its authenticity.

THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH-I

Contempt Application 04 OF 2023

In

Company Application 625 OF 2022

In

Company Petition 88 OF 2015

7. In view of above, the Contempt Petition 4/2023 is disposed of as dismissed.

Sd/-

Prabhat Kumar
Member (Technical)

Sd/-

Justice V.G. Bisht
Member (Judicial)

NATIONAL COMPANY LAW TRIBUNAL

COURT ROOM NO. 1,

MUMBAI BENCH

Item No. 70

CA 4/2023 in CP/88(MB)2015

CORAM:

**SH. PRABHAT KUMAR JUSTICE VIRENDRASINGH BISHT (Retd.)
HON'BLE MEMBER (TECHNICAL) HON'BLE MEMBER (JUDICIAL)**

ORDER SHEET OF THE HEARING ON 17.10.2023

**NAME OF THE PARTIES: SUPREME TRANSPORT ORGANISATION
PVT. LTD V/s SATISH KISANLAL
AGARWAL**

Section 241(1)-242(4), 425 of the Companies Act, 2013

ORDER

CA 4/2023 in CP/88(MB)2015

- 1) Ms. Surbhi Soni, Ld. Counsel for the Applicant and Ms. Mily Ghoshal, Ld. Counsel for the Resolution Professional of the Corporate Debtor are present.
- 2) Status quo order is vacated as the Respondent Company is already admitted under the Corporate Insolvency Resolution Process *vide* order dt. 08.09.2023, passed in Company Petition bearing CP (IB) No. 368 of 2022.

3) Applicant seeks short adjournment in the matter. At request, stand over to 02.11.2023, for further consideration and hearing. At the request of both sides, matter will be heard though Video Conferencing. Parties should be ready with requisite infrastructure to share the documents on-line during the hearing.

Sd/-

**PRABHAT KUMAR
MEMBER (TECHNICAL)**

Sd/-

**JUSTICE VIRENDRASINGH BISHT
MEMBER (JUDICIAL)**

Vedant Kedare



NATIONAL COMPANY LAW TRIBUNAL
COURT ROOM NO. 1,
MUMBAI BENCH

Item No. 37

CA 20/2016 CA 76/2016 CA 38/2017 CA 80/2017 CA 501/2018 CA 625/2022
CA 4/2023 CA 285/2023 CA 314/2023 In CP/88(MB)2015

CORAM:

SH. PRABHAT KUMAR JUSTICE VIRENDRASINGH BISHT (Retd.)
HON'BLE MEMBER (TECHNICAL) HON'BLE MEMBER (JUDICIAL)

ORDER SHEET OF THE HEARING ON 18.09.2023

NAME OF THE PARTIES: SUPREME TRANSPORT ORGANISATION
PVT. LTD. V/S SATISH KISANLAL
AGARWAL

Section 241(1) Sec. 242(4) Sec 425 of the Companies Act, 2013

ORDER

1. It is brought to our notice that section 7 petition against the respondent is admitted in C.P. No. 368/2022 vide order dated 08.09.2023 by Court -2.
2. Consequently, this **CP/88(MB)2015** becomes infructuous.
3. All the pending IAs'/MAs' if any, filed in the present petition shall also stand disposed of having become infructuous.

Contempt Application 4/2023 –

List this contempt application on **17.10.2023** for hearing.

Sd/-
PRABHAT KUMAR
MEMBER (TECHNICAL)

Sd/-
JUSTICE VIRENDRASINGH BISHT
MEMBER (JUDICIAL)

2, 3 & 4 from removing the Applicants from the Board of Directors of the Respondent No. 1 Company.

- 3) It is the submission of the Applicants that the Applicant along with Mr. Girish Agarwal have been representing one branch of the family members namely Late Sh. Jagdishji Agarwal and family comprising of his 2 sons namely Vimal Kumar & Girish Kumar Agarwal holding 24% shareholding in the Respondent No. 1 Company. It is pertinent to mention herein that the Respondent No. 1 Company is a closely held family Company wherein, the affairs of the Company were being run by the family groups holding more or less equal number of Shareholding in the Company thereby giving representation to all the Family Members on the Board. The Applicant No. 1 as a matter of fact was appointed as a Director in Company on dt. 29.05.2008 and Mr. Girish Agarwal was appointed as the Director of the Company dt. 01.07.2008.
- 4) The Respondents now as a matter of fact intend to oust the Applicants as the directors from the Board of the Respondent No. 1 Company and the said illegal act of Respondent No. 2, 3 and 4 is driven by vendetta on account of the fact that the Applicants have preferred an Application under Rule 11 of the NCLT Rules, 2016 against the Respondents before this Tribunal, thereby seeking Interim Relief to regulate the conduct of the affair of Respondent No. 1 Company which are being grossly mismanaged

by the said Respondents and to grant status quo to protect the assets of the Company.

- 5) Ld. Counsel for the Respondent strongly opposed for grant of any interim order as prayed by the Applicants on the ground that both the Applicants have indulged in siphoning of money from the Company as a result of which Respondent No. 2 lodged an FIR against both the Applicants basing on which a case under Crime No. 207 was registered on 25.04.2023, against both the Applicants, under different provisions of IPC. He further submits that Mr. Vimal Agarwal moved an Anticipatory Bail Application before the Session Court at Dindoshi, which was dismissed on 20.07.2023, with adverse observations against him and the Bail Application of Mr. Girish Agarwal was also dismissed by the Court of Session at Dindoshi *vide* its order dt. 19.07.2023. Thus, the Counsel appearing for the Respondents seriously opposed the present Company Application filed by the Applicants and prayed for dismissal of the same.
- 6) Counsel for the Respondents also argued that an Extra Ordinary General Meeting of a Company cannot be restrained as per law laid down by various Courts including the Hon'ble Apex Court and the directorial disputes does not fall within the realm of Oppression and mis-management as per the law laid down by the Hon'ble Apex Court in case of Cyrus Mistry.

7) After hearing both the sides and upon perusing the material available on record, this Bench observed that the Applicants as well as Respondents despite of their close relationship are fighting against each other and the conduct of the Applicants also prima facie appears to be not above the Board. Therefore, this Bench is of the considered opinion that there is neither prima facie case nor balance of convenience in favour of the Applicants for grant of any Interim Relief. This Bench is of the further opinion that passing any restraint order, at this stage, would defeat the Corporate Democracy.

8) For the aforesaid reasons grant of interim reliefs, is rejected.

Sd/-

**ANU JAGMOHAN SINGH
MEMBER (TECHNICAL)**

Sd/-

**H. V. SUBBA RAO
MEMBER (JUDICIAL)**

Vedant Kedare

NATIONAL COMPANY LAW TRIBUNAL
COURT-I, MUMBAI BENCH

Item 39

CP/88(MB)2015 CA 4/2023 CA 285/2023 CA 20/2016 CA 76/2016 CA 38/2017 CA 80/2017
CA 501/2018 CA 625/2022

CORAM:

MS. ANU JAGMOHAN SINGH
HON'BLE MEMBER (T)

SHRI H.V. SUBBA RAO
HON'BLE MEMBER(J)

ORDER SHEET OF THE HEARING ON **11.07.2023**

NAME OF THE PARTIES: - **SUPREME TRANSPORT ORGANISATION**
PVT. LTD.
V/S
SATISH KISANLAL AGARWAL

Section 241(1) Sec. 242(4) Sec 425 of the Companies Act, 2013

ORDER

Due to paucity of time, the matter could not be heard. List this matter on Board on 07.08.2023.

Sd/-
ANU JAGMOHAN SINGH
Member (Technical)

Sd/-
H.V. SUBBA RAO
Member (Judicial)

Jagdish

NATIONAL COMPANY LAW TRIBUNAL
COURT-I, MUMBAI

Item No. 8

Contempt Petition No. 4 of 2023 IN CP/88(MB)2015

CORAM:

MS. ANU JAGMOHAN SINGH
HON'BLE MEMBER (T)

Mr. H.V. SUBBA RAO
HON'BLE MEMBER (J)

ORDER SHEET OF THE HEARING ON **18.05.2023**

NAME OF THE PARTIES: - **Supreme Transport Organisation Private Limited**

Vs

Satish Kisanlal Agarwal

Section 241(1) & 242(4) of the Companies Act, 2013

ORDER

1. Heard Ld. Counsel Ms. Laxmi Gurung appearing for the Petitioner.
None appeared for the Respondents.
2. The above Contempt Petition is filed alleging violation of status quo Order 05.12.2022 by Respondents, at this juncture pending hearing and disposal of the above Contempt Petition the learned counsel of the Petitioner sought an order of injunction restraining the Respondents from disposing of the Aircraft having description VT-UDN Cessna Grand Caravan C208B 2013 (OLD & Used AIRCRAFTS PARTS)- Without Engine.

3. In support of the above interim relief, she has placed before this Tribunal Invoice dated 29.04.2023 along with the letter dated 13.05.2023 issued by the Deputy Commissioner (DE), Customs House, Mundra granting permission for exporting the said Aircraft which was alleged to have been purchased by TREK AIR BV from the Company. Even though it was mentioned in the Invoice that there was no engine in the Aircraft, the above two documents relied by the Petitioner demonstrates that the Respondents are trying to ship the above stated Aircraft beyond India. Thus, we find that there is force in the submission made by the learned counsel for the Petitioner.
4. For the aforesaid reasons, this Bench is of the considered opinion that the Petitioner is justified in asking for the above reliefs. This Tribunal is of the further view, that unless a restraint order is issued, there is every likelihood of shipping the Aircraft out of India. In which event, serious hardship will be caused to the Petitioner. Therefore, considering the aforesaid circumstances the Respondent is restrained from shipping the above stated Aircraft out of India and further the Custom Authorities are directed not to permit shipping the Aircraft or parts thereof until further orders.
5. The Registry and the Petitioner herein are directed to communicate this order to the Respondents as well as the Deputy Commissioner Customs

House Mundra Port and Deputy Commissioner (Export) Custom
House Mundra forthwith.

6. List this matter on 11.07.2023.

Sd/-

ANU JAGMOHAN SINGH

Member (Technical)

18.05.2023

Priyal

Sd/-

H.V. SUBBA RAO

Member (Judicial)

NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH
COURT I

49. CA 20/2016
CA 76/2016
CA 38/2017
CA 80/2017
CA 501/2018
CA 625/2022
IN
CP 88/MB/2015

CORAM: SHRI. H.V.SUBBA RAO, MEMBER (J)
MS. ANU JAGMOHAN SINGH, MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON **04.05.2023**

NAME OF THE PARTIES: Supreme Transport Organisation Pvt. Ltd
V/s
Satish Kisanlal Agarwal

SECTION 397-398 OF COMPANIES ACT, 2013

ORDER

Due to paucity of time, the matter could not be heard. List this matter on
11.07.2023.

Sd/-
ANU JAGMOHAN SINGH
Member (Technical)
//SKS//

Sd/-
H.V.SUBBA RAO
Member (Judicial)

NATIONAL COMPANY LAW TRIBUNAL
COURT-I, MUMBAI BENCH

Item 51

CA 20/2016 CA 76/2016 CA 38/2017 CA 80/2017 CA 501/2018 CA 625/2022 in CP 88/MB/2015

CORAM:

SH. SHYAM BABU GAUTAM
HON'BLE MEMBER (T)

SHRI.H.V. SUBBA RAO
HON'BLE MEMBER (J)

ORDER SHEET OF THE HEARING ON **28.03.2023**

NAME OF THE PARTIES: - **Supreme Transport Organisation Pvt. Ltd.**
V/s
Satish Kisanlal Agarwal

Appearance (via video-conference):

For the Applicant : Dr. S.K Jain a/w Adv. Ricky Sampa
For the Respondent : Rakesh K. Singh

Section 397-398 of the Companies Act, 1956

ORDER

Court Convened through virtual hearing, however, the matter could not be heard due to paucity of time. List this Matter on Board on **04.05.2023**.

Sd/-
SHYAM BABU GAUTAM
Member (Technical)

Sd/-
H.V. SUBBA RAO
Member (Judicial)

Jagdish

NATIONAL COMPANY LAW TRIBUNAL
COURT-I, MUMBAI BENCH

Item 63

CA 20/2016 CA 76/2016 CA 38/2017 CA 80/2017 CA 501/2018 CA 625/2022
in CP 88/2015

CORAM:

SH. SHYAM BABU GAUTAM
HON'BLE MEMBER (T)

JUSTICE P.N. DESHMUKH (Retd.)
HON'BLE MEMBER (J)

ORDER SHEET OF THE HEARING ON **03.02.2023**

NAME OF THE PARTIES: - **Supreme Transport Organisation Pvt. Ltd.**
V/S Satish Kisanlal Agarwal

Appearance (via video-conference):

For the Applicants in CA 625/2022

:Adv. P.Nagesh, Ms. Lakshmi
Gurung,
Ms. Poonam Datta

For the Respondent

: Rakesh Kumar Singh

Section 397-398 of the Companies Act, 1956

ORDER

Court Convened through virtual hearing, however, the matter could not be heard due to paucity of time. List this matter on Board on **28.03.2023**

Sd/-

Sd/-

SHYAM BABU GAUTAM
Member (Technical)

JUSTICE P.N. DESHMUKH
Member (Judicial)

Krishna Ghadge

NATIONAL COMPANY LAW TRIBUNAL
COURT-I, MUMBAI BENCH

Item 63

CA 20/2016 CA 76/2016 CA 38/2017 CA 80/2017 CA 501/2018 CA 625/2022 IN CP 88/MB/2015

CORAM:

SH. SHYAM BABU GAUTAM
HON'BLE MEMBER (T)

JUSTICE P.N. DESHMUKH (Retd.)
HON'BLE MEMBER (J)

ORDER SHEET OF THE HEARING ON **24.01.2023**

NAME OF THE PARTIES : **Supreme Transport Organisation
Pvt. Ltd.**

V/s

Satish Kisanlal Agarwal.

Appearance (via video-conference):

For the Applicant in
IA 625/2022

: Nagesh Sr. Adv with Ms Lakshmi Gurung,
Mr. Manish G Varma, Ms. Surbhi Soni,
Ms Mampy Karmakar

For the Respondent

: None present

Section 397-398 of the Companies Act, 1956

ORDER

Court Convened through virtual hearing, however, the matter could not be heard due to paucity of time. List this Matter on Board on **03.02.2023**.

Sd/-
SHYAM BABU GAUTAM
Member (Technical)

Sd/-
JUSTICE P.N. DESHMUKH
Member (Judicial)

Jagdish

NATIONAL COMPANY LAW TRIBUNAL
COURT-I, MUMBAI BENCH

Item 8

CA 625/2022 in CP/88(MB)2015

CORAM:

SH. SHYAM BABU GAUTAM
HON'BLE MEMBER (T)

JUSTICE P.N. DESHMUKH (Retd.)
HON'BLE MEMBER (J)

ORDER SHEET OF THE HEARING ON **05.12.2022**

NAME OF THE PARTIES: **Supreme Transport Organisation Pvt. Ltd.**
VS
Satish Kisanlal Agarwal

Appearance (via video-conference):

For the Applicant : Mr. P. Nagesh, Sr Adv, Ms. Lakshmi Gurung,
Mr. Manish G Varma, Ms. Surbhi Soni, Ms.
Mampy Karmakar

For the Petitioner : Rakesh K. Singh alongwith Shivani Soni

Section. 241(1) & 242(4)

ORDER

IA 625/2022:-

This is an Application filed by Mr. Vimal Agrawal and others seeking various prayers under the said Company Application. The Ld. Counsel appearing for the Respondent Nos. 2, 5 and 6 present and seeks time to place on record affidavit in reply. However, ld. Counsel for the Applicant invited our attention to order dated 25.04.2017 whereby the respondent stated across the Bar that Company is not selling the Property. He has further invited our attention on Page 45 where the sale deed entered between Supreme Transport Organisation Pvt. Ltd *i.e.* Respondent No.1 herein and Sangeeta Aviation Services Pvt. Ltd. *i.e.* Respondent

No.7 herein on 18.09.2018. Considering the above facts and on perusal of the record, Respondent Nos. 2, 5 and 6 are directed to maintain *status quo* (as on today) till the next date of hearing. Ld. Counsel for the Respondent Nos. 2, 5 and 6 are directed to place on record affidavit in reply well before the adjourned date by duly serving copy to the other side well in advance. List this matter on Board on **24.01.2022**.

Sd/-

SHYAM BABU GAUTAM
Member (Technical)

Akash

Sd/-

JUSTICE P.N. DESHMUKH
Member (Judicial)

NATIONAL COMPANY LAW TRIBUNAL
COURT-I, MUMBAI BENCH

Item 64

CA 20/2016 CA 76/2016 CA 38/2017 CA 80/2017 CA 501/2018 in
CP 88/MB/2015

CORAM:

SH. SHYAM BABU GAUTAM
HON'BLE MEMBER (T)

JUSTICE P.N. DESHMUKH (Retd.)
HON'BLE MEMBER (J)

ORDER SHEET OF THE HEARING ON **25.11.2022**

NAME OF THE PARTIES: **Supreme Transport Organisation Pvt. Ltd.**
V/s
Satish Kisanlal Agarwal

Appearance (via video-conference):

For the Applicant : Adv. Lakshmi Gurung

For the Respondent : Dr S. K Jain

Section 397-398

ORDER

Due to paucity of time, the matter could not be taken up today. Accordingly,
list this matter on Board on **24.01.2023**.

Sd/-

SHYAM BABU GAUTAM
Member (Technical)

Akash

Sd/-

JUSTICE P.N. DESHMUKH
Member (Judicial)

NATIONAL COMPANY LAW TRIBUNAL
COURT-I, MUMBAI BENCH

Item 50

**CA 20/2016 CA 76/2016 CA 38/2017 CA 80/2017 CA 501/2018 in CP
88/2015**

CORAM:

SH. SHYAM BABU GAUTAM
HON'BLE MEMBER (T)

JUSTICE P.N. DESHMUKH (Retd.)
HON'BLE MEMBER (J)

ORDER SHEET OF THE HEARING ON **03.08.2022**

NAME OF THE PARTIES: - **Supreme Transport Organisation Pvt. Ltd.
V/s Satish Kisanlal Agarwal**

Appearance (via video-conference):

For Applicant : Dr. S.K.Jain a/w Adv. Monica Mayekar
For the Respondent : None present

Section 397-398 of the Companies Act, 1956

ORDER

Due to paucity of time, the matter could not be taken up today. Accordingly,
list this matter on Board on **28.09.2022**.

Sd/-

SHYAM BABU GAUTAM
Member (Technical)

Sd/-

JUSTICE P.N. DESHMUKH
Member (Judicial)

VEDANT

NATIONAL COMPANY LAW TRIBUNAL
COURT-I, MUMBAI

Item 59

CA 20/2016 CA 76/2016 CA 38/2017 CA 80/2017 CA 501/2018 in CP
88/MB/2015

CORAM:

SH. KAPAL KUMAR VOHRA
HON'BLE MEMBER (T)

JUSTICE P. N. DESHMUKH (Retd.)
HON'BLE MEMBER (J)

ORDER SHEET OF THE HEARING ON **06.06.2022**

NAME OF THE PARTIES: - **Supreme Transport Organisation Pvt. Ltd.**
Vs
Satish Kisanlal Agarwal

Appearance (via video-conference):

For the Applicant : Dr. S. K. Jain
For the Respondent : None

Section 397-398 of Companies Act, 2013

ORDER

Due to paucity of time matter could not be heard. List this matter on
03.08.2022.

Sd/-

K. K. VOHRA
Member (Technical)

ANKIT

Sd/-

JUSTICE P. N. DESHMUKH
Member (Judicial)

NATIONAL COMPANY LAW TRIBUNAL

COURT-I, MUMBAI BENCH

Item 52

CA 20/2016 CA 76/2016 CA 38/2017 CA 80/2017 CA 501/2018In CP
88/MB/2015

CORAM:

SH. K.K. VOHRA

JUSTICE P. N. DESHMUKH (Retd.)

HON'BLE MEMBER (T)

HON'BLE MEMBER (J)

ORDER SHEET OF THE HEARING ON **25.03.2022**

NAME OF THE PARTIES: - **Shallen V. Vaid**

V/s

**Offshore Hookup & Construction Services
(I) Pvt Ltd.**

Appearance (via video-conference):

For the Applicant :

For the Respondent :

Section 397-398 of the Companies Act, 2013

ORDER

Due to paucity of time the matter could not be taken up today.
Accordingly, list this matter on **06.06.22**.

Sd/-

Sd/-

K.K. VOHRA
Member (Technical)

JUSTICE P. N. DESHMUKH
Member (Judicial)

Amol

IN THE NATIONAL COMPANY LAW TRIBUNAL

COURT-I, MUMBAI

SPECIAL BENCH

ITEM No. **44**

CA 20/2016 CA 76/2016 CA 38/2017 CA 80/2017 CA 501/2018 in CP
88/2015

IN THE MATTER OF:

Supreme Transport Organisation Pvt. Ltd. Petitioner

V/s

Satish Kisanlal Agarwal Respondent

Order under Section 397-398 of the Companies Act, 1956

Order delivered on **12.01.2022**

CORAM:

MS. SUCHITRA KANUPARTHI,
HON'BLE MEMBER (JUDICIAL)

SH. KAPAL KUMAR VOHRA
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Petitioner:

For Respondent:

ORDER

Due to paucity the matter could not be taken up today. List the matter on **25.03.2022**.

Sd/-

(SUCHITRA KANUPARTHI)
MEMBER (JUDICIAL)

Sd/-

(KAPAL KUMAR VOHRA)
MEMBER (TECHNICAL)

VEDANT

**NATIONAL COMPANY LAW TRIBUNAL
COURT No. – I, MUMBAI BENCH**

*** **

**CA No. 1518/2019
CA No. 1029/2019
in
CP No. 88/MB/2015**

**Supreme Transport Organisation Pvt. Ltd.
V/s.
Satish Kisanlal Agarwal**

*** **

Dated 3rd December, 2020

ORDER

The matter is taken up on VC.

CA No. 1029 of 2019 – This Application has been filed by the Respondent No. 1 in the Company Petition No. 88 of 2015 seeking directions against the RoC Mumbai. Subsequently it filed CA No. 1518 of 2019 seeking to implead the RoC in CA No. 1029 of 2020. No Representation for the RoC today. Meanwhile however, the RoC has appeared and filed its reply. Thus CA No. 1518 of 2019 is allowed and disposed of.

Counsel for the Applicant in CA No. 1029 of 2019 is present. Heard on the Application. He submits that the copy of the Application has been served on the RoC. As already indicated the RoC has filed its reply. It has no objection to the prayer made. This is an Application for seeking to de-flag the Company against the order of the ROC in flagging the Company to be under Management dispute. The order sought is in the interest of Company. Therefore, no notice needs to be served on the Company Petitioner. The Company Law Board vide order dated 15.02.2016 had also ordered the de-flag Company. In view of the pendency of the Company Petition, the RoC could not have gone to flag Company under the management dispute. The order of the RoC in flagging the Company is accordingly set aside. The Company is directed to furnish all statutory returns and statements as provided under the law. The Application is allowed and disposed of.

List this CP on 19th January, 2021 for hearing. Any other pending Applications in the CP may also be listed on that day.

Sd/-
V. NALLASENAPATHY
Member (Technical)

Sd/-
MOHAMMED AJMAL
Member (Judicial)

THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH – I,
MUMBAI

IA 80/2017
MA 546/2017
MA 501/2018
IN TCP 88/397-398/MB/2015

CORAM : SHRI V.P. SINGH, MEMBER (J)
SHRI RAVIKUMAR DURAISAMY, MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON 17.12.2018

NAME OF THE PARTIES: SATISH KISANLAL AGARWAL

v/s.

SUPREME TRANSPORT ORGANIZATION
PVT.LTD.

SECTIONS 397-398 OF THE COMPANIES ACT, 1956

ORDER

36. IA 80/2017
MA 546/2017
MA 501/2018
IN TCP 88/397-398/MB/2015

Practising Company Secretary for the Petitioner and Counsel for
the Respondent is present.

At request of the parties, list on 31.1.2019.

Sd/-

RAVIKUMAR DURAISAMY
Member (Technical)

Sd/-

V. P. SINGH
Member (Judicial)

IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

TCP 88/397-398/2015
IA 80/2017, MA 546/2017, Ma 501/2018

CORAM: SHRI V. P. SINGH
MEMBER (J)
SHRI RAVIKUMAR DURAISAMY
MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON 22.10.2018

NAME OF THE PARTIES: Satish Kisanlal Agarwal

Vs

Supreme Transport Organisation Pvt Ltd.

Section 397-398 of the Companies Act, 1956.

ORDER

30. **IA 80/2017, MA 546/2017, MA 501/2018 in TCP 88/397-398/2015**

No one responds from the Petitioner side. Practising Company Secretary for the Respondent is present. Respondent has informed that Petitioner 1 is expired and substitution application is pending.

List on 17.12.2018 for hearing.

Sd/-
RAVIKUMAR DURAISAMY
Member (Technical)

Sd/-
V. P. SINGH
Member (Judicial)

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

IA 80/2017, MA 546/2017 & MA 501/2018
in TCP-88(MB)/2015

CORAM:

SHRI B.S.V. PRAKASH KUMAR
MEMBER (J)

SHRI RAVIKUMAR DURAISAMY
MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON 31.08.2018

NAME OF THE PARTIES:

Satish Kisanlal Agarwal
v/s.
Supreme Transport Organisation Pvt. Ltd.

SECTION: 397-398 of Companies Act, 1956.

ORDER

At request of the Petitioner's Counsel, list this matter on 22.10.2018.

SD/-

RAVIKUMAR DURAISAMY
Member (Technical)

SD/-

B.S.V. PRAKASH KUMAR
Member (Judicial)

IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

TCP 88/397-398/2015
IA 80/2017, MA 546/2017, MA 501/2018

CORAM: SHRI B. S. V. PRAKASH KUMAR
MEMBER (J)
SHRI RAVIKUMAR DURAISAMY
MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON 13.08.2018

NAME OF THE PARTIES: Satish Kisanlal Agarwal

Vs

Supreme Transport Organisation Pvt Ltd

Section 397-398 of the Companies Act, 2013.

ORDER

24. **IA 80/2017, MA 546/2017, MA 501/2018 in TCP 88/397-398/2015**

At request of the Petitioner Counsel, list this matter on 31.8.2018.

SD/-

RAVIKUMAR DURAISAMY
Member (Technical)

SD/-

B.S.V. PRAKASH KUMAR
Member (Judicial)

THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI DIVISION – I,
MUMBAI

IA 80/2017
MA 546/2017
MA 501/2018
IN TCP 88/397-398/MB/2015

CORAM : SHRI B.S.V. PRAKASH KUMAR, MEMBER (J)
SHRI RAVIKUMAR DURASAMY, MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON **30.07.2018**

NAME OF THE PARTIES: **SATISH KISANLAL AGARWAL**

v/s.

SUPREME TRANSPORT ORGANIZATION PV.LTD.

SECTION OF THE COMPANIES ACT : SECTIONS 397-398 OF THE
COMPANIES ACT, 1956.

ORDER

20. IA 80/2017
MA 546/2017
MA 501/2018 IN TCP 88/397-398/MB/2015

For the parties have reported Petitioner No.1 has demised, the
Petitioner is hereby directed to take further steps within 15 days hereof, list
this matter on 13.8.2018 for hearing.

SDI-

RAVIKUMAR DURASAMY
Member (Technical)

SDI-

B.S.V. PRAKASH KUMAR
Member (Judicial)

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

IA 80 & MA 546/2017, MA 501/2018
in TCP-88(MB)/2015

CORAM:

SHRI B.S.V. PRAKASH KUMAR
MEMBER (J)

SHRI RAVIKUMAR DURAISAMY
MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON 09.07.2018

NAME OF THE PARTIES:

Satish Kisanlal Agarwal
v/s.
Supreme Transport Organisation Pvt. Ltd.

SECTION : 397-398 of Companies Act, 1956.

ORDER

Counsel for the Petitioner is present. None present from the said of
Respondent.

At request of the Petitioner's Counsel, list this matter on 30.07.2018.

Sd/-

RAVIKUMAR DURAISAMY
Member (Technical)

Sd/-

B.S.V. PRAKASH KUMAR
Member (Judicial)

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

IA 80 & MA 546/2017, MA 501/2018
in TCP-88(MB)/2015

CORAM:

SHRI B.S.V. PRAKASH KUMAR
MEMBER (J)

SHRI RAVIKUMAR DURAISAMY
MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON 09.07.2018

NAME OF THE PARTIES:

Satish Kisanlal Agarwal
v/s.
Supreme Transport Organisation Pvt. Ltd.

SECTION : 397-398 of Companies Act, 1956.

ORDER

Counsel for the Petitioner is present. None present from the said of
Respondent.

At request of the Petitioner's Counsel, list this matter on 30.07.2018.

Sd/-

RAVIKUMAR DURAISAMY
Member (Technical)

Sd/-

B.S.V. PRAKASH KUMAR
Member (Judicial)

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

TCP-88(MB)/2015

CORAM:

SHRI B.S.V. PRAKASH KUMAR
MEMBER (J)

SHRI RAVIKUMAR DURAISAMY
MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON 02.07.2018

NAME OF THE PARTIES:

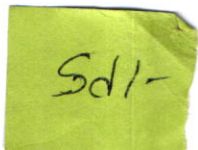
Satish Kisanlal Agarwal
v/s.
Supreme Transport Organisation Pvt. Ltd.

SECTION: 397-398 of Companies Act, 1956.

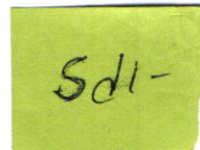
ORDER

None present.

In the interest of justice, list this matter on 09.07.2018.



RAVIKUMAR DURAISAMY
Member (Technical)



B.S.V. PRAKASH KUMAR
Member (Judicial)

THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI DIVISION - I,
MUMBAI

IA 80/2017 & MA 546/2017
IN TCP 88/397-398/(MB/2015)

CORAM : SHRI M. K. SHRAWAT, MEMBER (J)
SHRI RAVIKUMAR DURAISAMY, MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON **14.06.2018**

NAME OF THE PARTIES: **SATISH KISANLAL AGARWAL**

v/s.

SUPREME TRANSPORT ORGANIZATION PVT.LTD.

SECTION OF THE COMPANIES ACT: 397-398 of Companies Act, 1956

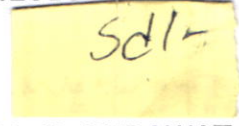
ORDER

19. IA 80/2017 & MA 546/2017 IN TCP 88/397-398/(MB/2015)

The Petitioner Counsel submitted that he has filed a new MA having diary No.16367 dated 11.5.2018, the same is yet to be numbered by the Registry. The Registry is hereby directed to allot regular MA Number as the Petitioner Counsel sought expeditious hearing.

Therefore, post this matter for hearing on 9.7.2018.


RAVIKUMAR DURAISAMY
Member (Technical)


M. K. SHRAWAT
Member (Judicial)

THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI DIVISION - I,
MUMBAI

IA 80/2017

In TCP 88/397-398/(MB)/2015

CORAM : SHRI B.S.V. PRAKASH KUMAR, MEMBER (J)
SHRI RAVIKUMAR DURAISAMY, MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON **4.05.2018**

NAME OF THE PARTIES: **Satish Kisanlal Agarwal**

v/s.

Supreme Transport Organisation Pvt. Ltd

SECTION OF THE COMPANIES ACT: 397-398 OF 1956

Order

29. IA 80/2017 &MA 546/2017 In TCP 88/397-398/(MB)/2015

At request of the Petitioner Counsel, list this matter on
14.06.2018

Sdl-

RAVIKUMAR DURAISAMY
Member (Technical)

Sdl-

B.S.V. PRAKASH KUMAR
Member (Judicial)

THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI DIVISION - I,
MUMBAI

TCP 88/397-398/MB/2015

CORAM : SHRI M. K. SHRAWAT, MEMBER (J)
SHRI RAVIKUMAR DURAISAMY, MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON **20.04.2018**

NAME OF THE PARTIES: **Satish Kisanlal Agarwal**

v/s.

Supreme Transport Organization Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 397-398 of Companies Act, 1956

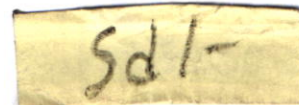
ORDER

9. TCP 88/397-398/MB/2015

None present. By the Order of the Bench, this matter is adjourned
to 2.7.2018



RAVIKUMAR DURAISAMY
Member (Technical)



M. K. SHRAWAT
Member (Judicial)

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

IA 80/2017 & MA 546/2017
in TCP 88(MB)/2015

CORAM:

SHRI. B.S.V. PRAKASH KUMAR
MEMBER (J)

SHRI. RAVIKUMAR DURAISAMY
MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON 03.04.2018

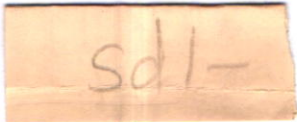
NAME OF THE PARTIES:

Satish Kisanlal Agarwal
v/s.
Supreme Transport Organisation Pvt. Ltd.

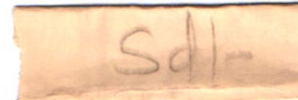
SECTION OF THE COMPANIES ACT: 397-398 of the Companies Act, 1956.

ORDER

At request of the Petitioner's Counsel, list this matter on 04.05.2018.



RAVIKUMAR DURAISAMY
Member (Technical)



B.S.V. PRAKASH KUMAR
Member (Judicial)

12

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

T.C.P. No. 88/(MAH)/2015
M.A. No. 546/2017 & I.A. No. 80/2017

CORAM: Present: SHRI B.S.V. PRAKASH KUMAR
MEMBER (J)
SHRI V. NALLASENAPATHY
MEMBER (T)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 08.01.2018

NAME OF THE PARTIES: Satish Kisanlal Agarwal & Ors.
V/s

Supreme Transport Organisation 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 | SIGNATURE |
|--------|------|-------------|-----------|
|--------|------|-------------|-----------|

ORDER

IA 80/2017 & MA 546/2017 in TCP No. 88/397-398/NCLT/MB/MAH/2015

None present.

In the interest of justice, list this matter on 19.01.2018.

Sd/-

V. NALLASENAPATHY
Member (Technical)

Sd/-

B.S.V. PRAKASH KUMAR
Member (Judicial)

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

C.P No. 88/(MAH)/2015

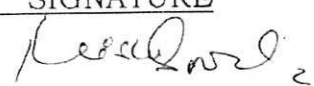

CORAM:

Present: SHRI B.S.V. PRAKASH KUMAR
MEMBER (J)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 25.04.2017

NAME OF THE PARTIES: Mr. Satish Kisanlal Agarwal & Ors.
V/s.
M/s. Supreme Transport Organisation Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 397/398 & 235 of the Companies Act
1956 and 241/242 of the Companies Act, 2013.

| S. No. | NAME | DESIGNATION | SIGNATURE |
|--------|----------------|-------------------------|---|
| 1 | Rishi Goon | Adv for 1 & 2 |  |
| 2 | Dr S. K. J min | PCS for Resp R1 to 5 |  |

ORDER

CP 88/397-398,235/NCLT/MUM/MH/2015

For the respondent company secretary appearing on behalf of the
respondent side stated that the company not selling the property of the
company, we don't find any urgency in this case.

List this case on 13-06-2017.

sd/-

V. NALLASENAPATHY
Member (Technical)

sd/-

B.S.V. PRAKASH KUMAR
Member (Judicial)



Certified True Copy
Copy issued "free of cost"
On _____

Assistant Registrar
National Company Law Tribunal Mumbai Bench

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

C.P No. 88/(MAH)/2015

CORAM:

Present: SHRI B.S.V. PRAKASH KUMAR
MEMBER (J)

ATTENDENCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 27.02.2017

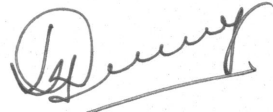
NAME OF THE PARTIES: Mr. Satish Kisanlal Agarwal & Ors.


V/s.

M/s. Supreme Transport Organisation Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 397/398 & 235 of the Companies Act
1956 and 241/242 of the Companies Act, 2013.

| <u>S. No.</u> | <u>NAME</u> | <u>DESIGNATION</u> | <u>SIGNATURE</u> |
|---------------|-------------|--------------------|------------------|
|---------------|-------------|--------------------|------------------|

| | | | |
|----|-----------------|--------------------------------|--|
| 1. | Lakshmi Guring, | Advocate for P-1, P-2 & P-3 |  |
|----|-----------------|--------------------------------|--|

| | | | |
|--|-----------------|---------------------|---|
| | Rakesh K. Singh | Advocate for P-4 |  |
|--|-----------------|---------------------|---|

ORDER

C.P. No. 88/235,397-398/CLB/MB/MAH/2015

At request of the parties, list this matter on 24.03.2017.

Sd/-

B.S.V. PRAKASH KUMAR
Member (Judicial).

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI


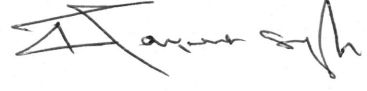
Company Appeal No. 19/(MAH)/2016
CA No.

CORAM: Present: SHRI B.S.V. PRAKASH KUMAR
MEMBER (J)

ATTENDENCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 27.02.2017

NAME OF THE PARTIES: Smt. Renu Rajesh Agarwal
V/s.
M/s. Supreme Transport Organisation Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 59 of the Companies Act 1956.

| S. No. | NAME | DESIGNATION | SIGNATURE |
|--------|---------------------|----------------|--|
| 1 | Dr S K. Jagan | Pcs for R-1 |  |
| 1 | Dr. Rakesh k. Singh | Adv for R-2 |  |

ORDER

Company Appeal No. 19/59/CLB/MB/2016

At request of the parties, list this matter on 24.03.2017.

Sd/-
B.S.V. PRAKASH KUMAR
Member (Judicial).

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

T.C.P. No. 88/(MAH)/2015
CA. No.

CORAM: Present: SHRI B.S.V. PRAKASH KUMAR
MEMBER (J)

SHRI V. NALLASENAPATHY
MEMBER (T)

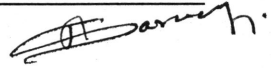

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 17.01.2017

NAME OF THE PARTIES: Mr. Satish Kisanlal Agarwal & Ors.

V/s

M/s. Supreme Transport Organisation 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 | SIGNATURE |
|--------|--------------|----------------------------|--|
| 15 | Satyaji A.M. | Advocate for Resp. 2, 5, 6 |  |
| | Dr. S. Kisan | PCS for AEP |  |

Order

TCP No.88/397-398/CLB/MB/MAH/2015

On the Application moved by the Petitioner side, the Respondent side is hereby directed to file reply within ten days hereof, rejoinder if any, within 10 days thereof.

List this matter for hearing along with the main Company Petition on 14.2.2017.

Sd/-

B.S.V. PRAKASH KUMAR
Member (Judicial)

Sd/-

V. NALLASENAPATHY
Member (Technical)

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

C.P No. 88/(MAH)/2015
CA No.

CORAM:

Present: SHRI B.S.V. PRAKASH KUMAR
MEMBER (J)

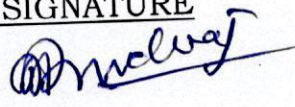
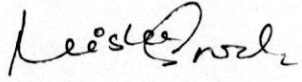

SHRI V. NALLASENAPATHY
MEMBER (T)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 07.12.2016

NAME OF THE PARTIES: Mr. Satish Kisanlal Agarwal & Ors.
V/s.

M/s. Supreme Transport Organisation Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 397/398 & 235 of the Companies Act
1956 and 241/242 of the Companies Act, 2013.

| S. No. | NAME | DESIGNATION | SIGNATURE |
|--------|---------------|---------------------|---|
| 1 | M.S. BHARDWAJ | Adv for Respondent |  |
| 2 | RISHI SOOD | Adv for Petitioners |  |
| 3 | Dr S.K. Saini | PCs for Respondent |  |

Order

CP No. 88/397-398, 235/CLB/MB/MAH/2015

The Respondents filed CA 75 of 2016 seeking the reliefs as follows:

- (i) Remove the Petitioner No.4 as Director of the Respondent No.1 Company as his continuation is causing irreparable harm and damage to the goodwill, business and reputation of the Respondent No.1 company;
- (ii) Vary and/or modify the Order dated 13.1.2016 passed by this Hon'ble Company Law Board to the extent it contains directions to the Respondent No.1 Company to inform the Petitioners on daily basis about the expenses incurred by the Respondent No.1 Company along with all Financial Transactions;
- (iii) To pass any such Order or Orders as this Hon'ble Board deems fit;

Cont... on pg.2

Looking at the Petition, it appears that the Respondents want removal of P4 as Director of the company on the allegation that P4 has siphoned funds of the company. For which it appears they filed a complaint before EOW and the investigation is pending. As to other relief, the Respondents sought modification to the Order to change the direction of informing the Petitioners on daily basis about expenses incurred by R1 company along with the financial transactions.

In respect to this relief, for the Petitioners having candidly come forward to agree to take information on weekly basis instead of daily basis, the Order dated 13.1.2016 to the extent of giving information on daily basis is hereby modified directing the Respondents to provide information without fail in relation to the expenditure and all financial transactions on weekly basis since 1.4.2016.

On hearing the deliberations of the other side in respect to account in Bank of Baroda situated in Malegaon, for the Petitioners side has agreed to give financial statements of that account on weekly basis to the Respondents, the Petitioners are directed to give financial statements and other details in respect to that Account on weekly basis since 1.4.2016.

As to removal of P4 as Director of the company is a point to be decided in the Main Petition, that will be taken into consideration while hearing the main Petition.

Though it goes without saying that the parties are not expected to seek modification or variation of orders already decided on merits, for there being consensus between the parties, the order dated 13.1.2016 is modified as above on the consensus arrived between the parties.

Accordingly, CA 75/2016 is hereby disposed of.

List other applications if any pending, with CP 19/2016 u/s.58, 59 for hearing on 17.1.2017.

sd/-

B.S.V. PRAKASH KUMAR
Member (Judicial)

sd/-

V. NALLASENAPATHY
Member (Technical)

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

Company Appeal No. 19/(MAH)/2016
CA No.

CORAM:

Present: SHRI B.S.V. PRAKASH KUMAR
MEMBER (J)

SHRI V. NALLASENAPATHY
MEMBER (T)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 05.12.2016

NAME OF THE PARTIES: Smt. Renu Rajesh Agarwal

V/s.

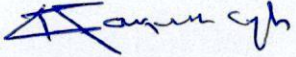
M/s. Supreme Transport Organisation Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 59 of the Companies Act 1956.

| S. No. | NAME | DESIGNATION | SIGNATURE |
|--------|------|-------------|-----------|
|--------|------|-------------|-----------|

Rakesh K. Singh

Advocate
for R-2



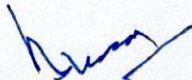
Order


Com Application No. 19/397-398/NCLT/MB/MAH/2016

The Petitioner Counsel is absent. The Counsel on behalf of R2 is present.

On verification of the attendance sheet file, it is apparent that the Petitioner took adjournment on the last date of hearing as well.

List this matter for hearing on 11.1.2017 with a direction that the Petitioners or the Counsel for the Petitioners shall be present on the next date of hearing, failing which this Petition will be dismissed for default.


B.S.V. PRAKASH KUMAR
Member (Judicial)


V. NALLASENAPATHY
Member (Technical)

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

C.P No. 88/(MAH)/2015
CA No.



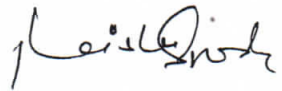
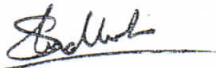
CORAM: Present: SHRI B.S.V. PRAKASH KUMAR
MEMBER (J)

SHRI V. NALLASENAPATHY
MEMBER (T)

ATTENDENCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 06.10.2016

NAME OF THE PARTIES: Mr. Satish Kisanlal Agarwal & Ors.
V/s.
M/s. Supreme Transport Organisation Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 397/398 & 235 of the Companies Act
1956 and 241/242 of the Companies Act, 2013.

| S. No. | NAME | DESIGNATION | SIGNATURE |
|--------|--|--|---|
| ① | Mr. ONKAR CHANDURKAR | COUNSEL for RESPONDENT |  |
| ② | Mr. S.K. JAIN | for RESPONDENT |  |
| 3 | Rishi Sood | for P-3 & P-4 |  |
| 4 | Rakesh K. Singh Sudip Mallick Dipti Sharma | } Advs for P ₁ & P ₂ |  |

Order

CP No. 88/397-398,235/CLB/MB/MAH/2015

On seeing that there are no serious efforts by Respondents for settlement in this case, it is better to post this matter for hearing; instead of giving time on the ground settlement proposal is in process.

In view of the same, list this matter for hearing on 07.12.2016



Certified True Copy
Copy Issued "free of cost"
On 02/12/2016



Assistant Director
National Company Law Tribunal, Mumbai Bench
Government of India

Sd/-
B.S.V. PRAKASH KUMAR
Member (Judicial)


V. NALLASENAPATHY
Member (Technical)

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

C.A No. 19/(MAH)/2016
CA No. 46/2016

CORAM:

Present:

SHRI B.S.V. PRAKASH KUMAR
MEMBER (J)

SHRI V. NALLASENAPATHY
MEMBER (T)

ATTENDENCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 16.09.2016

NAME OF THE PARTIES: Smt. Renu Rajesh Agarwal
V/s.
M/s. Supreme Transport Organisation Pvt. Ltd.

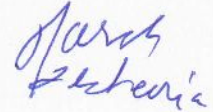
SECTION OF THE COMPANIES ACT: 59 of the Companies Act 1956.

| S. No. | NAME | DESIGNATION | SIGNATURE |
|--------|------|-------------|-----------|
|--------|------|-------------|-----------|

| | | | |
|-----|--------------------------------------|----------------------------|--|
| 29. | Abbas Mandwade Yb. Ramal Shah Sh. | Advocate for Petitioner | |
|-----|--------------------------------------|----------------------------|--|



| | | | |
|--|---|----------------|--|
| | Harsh Keshav [Return for Dr. S. T. Jain] | A.P. of R-1 | |
|--|---|----------------|--|



Order

CA. No. 46/397-3978/NCLT/MB/MAH/2016

IN

Company Appeal No. 19/59/CLB/MB/MAH/2016

On CA No. 46/2016 moved by the Petitioner side, the Respondent side is directed to file reply within 1 week, and rejoinder, if any, within 1 week thereafter.

List this application on 03.10.2016.

sd/-

B.S.V. PRAKASH KUMAR
Member (Judicial)

sd/-

V. NALLASENAPATHY
Member (Technical)

COMPANY LAW BOARD
NEW DELHI BENCH
NEW DELHI

CP NO. 88/MB/2015

CA NO.

PRESENT: CHIEF JUSTICE M. M. KUMAR
CHAIRMAN

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NEW DELHI BENCH OF THE
COMPANY LAW BOARD ON 03.05.2016

NAME OF THE COMPANY: **Sh. Satish Kishanlala Agarwal**
Vs.

M/s. Supreme Transport Organisation Pvt. Ltd. & Ors.

SECTION OF THE COMPANIES ACT: 397 and 398 of the Companies Act 1956.

| S.NO. | NAME | DESIGNATION | REPRESENTATION | SIGNATURE |
|-------|------------------|-------------|----------------|-------------------------|
| 1. | Krishnendu Datta | Adv | } Respondents | <u>Krishnendu Datta</u> |
| 2. | Siddharth Sharma | Adv | | |
| 3. | Nayan Agrawal | Adv. | | |
| 30 | P. Nagesh | Adv. | } Petitioners | <u>P. Nagesh</u> |
| 4. | Laxmi Gumber | " | | |
| 50 | Rishi Suresh | " | | |
| 6. | Ankur Garg | Adv | } Respondents | <u>Ankur Garg</u> |
| 7. | Nanci Arora | Adv | | |

ORDER

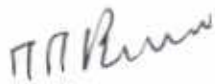
There are allegations and counter allegations leveled by the parties with regard to sending emails, representations and other mode of information to PWC, Mumbai who were the valuer appointed on the basis of consent order.

After hearing the learned counsel I am of the view that the valuer (PWC) continues to be choice of both the parties even today and the valuer shall proceed with the job of valuation in accordance with orders dated 15.02.2016, 01.04.2016 and today. It is made clear that any extraneous correspondence and

-2-

email send by either of the parties which is not germane to the aforesaid orders shall be ignored by PWC. Parties shall also restrain themselves from making representation and sending emails to the valuer by keeping themselves within the confine of the aforesaid order passed by this Board.

List for further consideration on 7.7.2016 at 10.30 am.


(CHIEF JUSTICE M.M. KUMAR)
CHAIRMAN

Dated: 03.05.2016

(vidya)

Road
swain
6/5/2016

Keith
for letterpress

COMPANY LAW BOARD
NEW DELHI BENCH
NEW DELHI

CP NO. 88/MB/2015

CA NO.

PRESENT: CHIEF JUSTICE M. M. KUMAR
CHAIRMAN

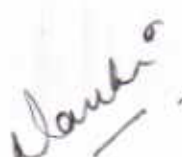


ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NEW DELHI BENCH OF THE
COMPANY LAW BOARD ON 01.04.2016

NAME OF THE COMPANY: **Sh. Satish Kishanlala Agarwal**

Vs.

M/s. Supreme Transport Organisation Pvt. Ltd. & Ors.

SECTION OF THE COMPANIES ACT: 397 and 398 of the Companies Act 1956.

| S.NO. | NAME | DESIGNATION | REPRESENTATION | SIGNATURE |
|---------------|----------------------------|-------------|---|---|
| 1. | Mr. K. Datta | Advocate | } For Respondents |  |
| 2. | Mr. Ankur Gang | Advocate | | |
| 3. | Ms. Nanki Arora | | | |
| 3. | Nayan Aggarwal | Advocate | | |
| 4. | Nanki Arora | Advocate | | |
| 5. | Yash Mehta | Advocate | | |
| 6. | Dr. S. K. Sonu | PCS |  | |
| 1. | Mr. A. Kalhpalia | | } For Petitioners |  |
| 2. | Mr. P. Nagesh | | | |
| 3. | Ms. Lakshmi Gwung | | | |
| 4. | Mr. Rishi Sood | | | |
| 5. | Ms. Easha Kadian | | | |

ORDER

After hearing learned counsel for the parties the name of the Auditor as suggested by the both the parties is changed. In the last order Ernest and Young were named. The parties have now agreed for Price Waterhouse & Cooper, Bombay for undertaking the job of valuation. It is also agreed between both the parties that cut of date for valuation should be 31.3.2015 as well as 31.12.2015. Accordingly the Auditor is requested to undertake the job of valuation as per the order dated 15.02.2016 expeditiously preferably within a period of two months. Application (CA No74/Mah/2016) stands disposed of.

CA No 76/MAH/2016

A copy of the application has also been furnished to the counsel for the non applicant-respondent. Mr. Datta learned counsel for the respondent requests for some time to file reply. Let reply be filed within two weeks with a copy in advance to the counsel for the applicant -petitioner. Rejoinder, if any, be filed within a week thereafter.

CA No 75/MAH/2016

A copy of the application has been furnished to the counsel for the non applicant-petitioner. Learned counsel for the non applicant- petitioner requests for some time to file reply. Let reply be filed within two weeks with a copy in advance to the counsel for the applicant -respondents. Rejoinder, if any, be filed within a week thereafter.

List on 3.5.2016 at 10.30 am. Directions issued by this Board on 13.1.2016 and 15.2.2016 shall be complied with in letter and spirit.


(CHIEF JUSTICE M.M. KUMAR)
CHAIRMAN

Dated: 01/04/2016
(Vidya)

COMPANY LAW BOARD
NEW DELHI BENCH
NEW DELHI

CP NO. 88/MB/2015



CA NO.

PRESENT: CHIEF JUSTICE M. M. KUMAR
CHAIRMAN

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NEW DELHI BENCH OF THE
COMPANY LAW BOARD ON 15.02.2016

NAME OF THE COMPANY: **Sh. Satish Kishanlala Agarwal**
Vs.
M/s. Supreme Transport Organisation Pvt. Ltd. & Ors.

SECTION OF THE COMPANIES ACT: 397 and 398 of the Companies Act 1956.

| S.NO. | NAME | DESIGNATION | REPRESENTATION | SIGNATURE |
|-------|------------------|-------------|----------------|---|
| 1. | Sh. P. Nagesh | } Advocates | Petitioner |  |
| 2. | Lakshmi Gurung | | 1 to 4 | |
| 3. | Rishi Sood | | | |
| 4. | Easha Kadian | | | |
| 5. | Krishnendu Datta | } Advocates | Respondents |  |
| 6. | Ankur Garg | | | |
| 7. | Siddharth Sharma | | | |
| 8. | Niti Arora | | | |

ORDER

Mr.K.Datta, Ld. Counsel for the Respondents seeks time to file reply. Let the reply be filed within two weeks with a copy in advance to the Counsel for the Petitioner.

As per the last order, the parties were to send a concrete proposal for an amicable settlement by furnishing the documents. However, the process has not been completed. Ld. Counsel for the Petitioner has made an offer that they would be willing to sell their shareholding to Respondents. There is thus consensus between the parties that valuation be ordered by appointing a reputed company and it is agreed that Ernst & Young be appointed for valuation of the assets of the company. Accordingly, the Ernst & Young, 5th Floor, Block B-2, Nirlon Knowledge Park, Off W.E.H., Goregaon (E), Mumbai-400064 are appointed as Chartered

Contd....2/-

Accounts for undertaking the job of valuation. Both the parties undertake to extend their co-operation and assistance to the Chartered Accountants. Both parties may make representations for fair valuation with a copy to the other side. The CA shall consider the representation made by the parties in accordance with the accounting principles and law. A copy of this order be sent to the Chartered Accountants by email and fax.

The interim order shall be complied with in letter and spirit and shall continue to operate. Mr. P. Nagesh, Ld. Counsel for the Petitioner after obtaining instructions has stated that no e-mail and communication in any form shall be issued by the Petitioners to the Bank or any other client of the company with regard to finances of the company or any other matter.

It appears that the Registrar of Companies, Mumbai has flagged the R-1 company as having management dispute. Ld. Counsel for the parties after taking instructions have ordered that within one week a joint request would be sent to the Registrar of Companies to un-flag the company so as to avoid any adverse affect on the business of the company.

List the matter for further consideration on 1st April, 2016 at 10.30 AM.


(CHIEF JUSTICE M.M.KUMAR)
CHAIRMAN

Dated: 15th February, 2016
(OP Sharma)

COMPANY LAW BOARD
NEW DELHI BENCH
NEW DELHI

CP NO. 88/MB/2015

CA NO.

PRESENT: CHIEF JUSTICE M. M. KUMAR
CHAIRMAN

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NEW DELHI BENCH OF THE
COMPANY LAW BOARD ON 13.01.2016

NAME OF THE COMPANY: **Sh. Satish Kishanlala Agarwal**

Vs.

M/s. Supreme Transport Organisation Pvt. Ltd. & Ors.

SECTION OF THE COMPANIES ACT: 397 and 398 of the Companies Act 1956.

| S.NO. | NAME | DESIGNATION | REPRESENTATION | SIGNATURE |
|-------|-----------------------------|-------------|-----------------|-----------|
| 1. | P. Nagesh LAKSHMI GURUNG | Adv. | Petitioners 1-4 | } |
| 2. | Lakshmi Gurung | Adv. | " | |
| 3. | Rishi Sood | Adv. | " | } |
| 4. | Sumil Fernandes | Adv. | R-1 | |
| 5. | Krishnendu Datta | Adv. | R-2-6 | |
| 6. | Mamish Jain | Adv. | R-7 | |

ORDER

Talks for settlement have not fructified as was expected on the last date of hearing. Ld. counsel for the parties have requested for more time. The petitioner appears to have sent a proposal for settlement by email. According to respondents it is not complete. The petitioner shall move a complete and concrete proposal for an amicable settlement with all the documents within one week by e-mail as well as by speed-post. It shall be responded by the respondent within two weeks thereafter.


P.T.O.



Ld. counsel for respondents states that no EGM would be held without permission of this Board. Ld. counsel for the Respondent also undertakes that the share-holding of the petitioner and his status as Director shall not be altered during the pendency of this petition. It is further stated that the petitioner shall also be informed on daily basis the expenses being incurred by Respondent No.1 company alongwith all other financial transactions. The petitioner would be at liberty to file appropriate application if the financial transactions reveal any objectionable deal or expense.

The respondent shall file reply to the petition with a copy in advance to the counsel opposite.

List on 15.02.2016 at 2.,30 PM.



[CHIEF JUSTICE M.M. KUMAR]
CHAIRMAN

Date: 13.01.2016
[ravi]

Under Regulation 23(4) of
the CLB Regulations, 1982

CERTIFIED TRUE COPY
Copy Issued "Free of Cost"
On.....15/01/16.....




दीपक परसोया / DEEPAK PERSOYA
न्याय पीठ अधिकारी / Bench Officer
कम्पनी विधि बोर्ड / Company Law Board
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi