

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

Item No. 12

CA 191/2024 (NEW CA) CA 538/2022 In CP/3638(MB)2018

CORAM:

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

ORDER SHEET OF THE HEARING ON 13.06.2024

NAME OF THE PARTIES: **UNION OF INDIA V/s INFRASTRUCTURE**
LEASING AND FINANCIAL SERVICES
LTD. & ORS.

Section 241-242 of the Companies Act, 2013

ORDER

CA No. 191/2024 –

1. Mr. Devesh Juvekar, learned Counsel a/w Ms. Kavita Brid, Advocate i/b Rajani Associates appeared for the Applicant.
2. Mr. Aditya Sikka, Advocate appeared for the Union of India.
3. Learned Counsel for the Applicant submits that this is an application for payment of dues to be paid to the Income Tax Department towards income tax liability.
4. Applicant is directed to serve details of the Income listed in Exhibit-D to the Union of India so that they can verify the same to confirm that the

relevant income has been credited to the bank account of Mr. Arun Saha, which is under the order of restraint.

5. Learned Counsel for the Union of India seeks time to file reply. Time granted and serve copy of the reply to the Applicant at least two days before the next date of hearing.
6. List this CA on **19.07.2024** for hearing.

CA 538/2022 –

1. Mr. Shiraz Rustomjee, Senior Counsel a/w Mr. Prateek Pai, Advocate Mr. Ryan D'souza, Mr. vikrant Singh, Ms. Ekta Tyagi, Advocates i/b DSK Legal appeared for the Applicant.
2. Mr. Aditya Sikka, Advocate appeared for the Union of India.
3. This is an application filed by Mr. Hari Sankaran seeking withdrawal of amounts towards lawyers' fees which is pending for payment to the lawyers engaged by him to defend/prosecute matters more specifically listed in para 7 of the application.
4. Union of India has filed the reply stating that Applicant is not entitled to any relief as prayed in the application and same ought to be dismissed with costs.
5. Applicant has also filed the rejoinder and contemplates withdrawal of all the total legal expenses claimed to have been spent by the Applicant. The Applicant clarifies that the legal expenses in the absence of resource available with the Applicant and, he being in the judicial custody, the

expenses were incurred by Sister Ms. Deepa Sankaran. Further, the application for bail was pending before Hon'ble Bombay High court and due to inadvertence, it was stated to be pending before Special Court in the Application.

6. The Applicant further submitted that an amount of Rs. 2,95,75,587/- has already been spent by the Applicant's mother Mrs. Saraswathi Sankaran and his sister, Ms. Deepa Sankaran and updated amount spent by them as on 12.11.2023 is Rs. 3,73,19,080/-, the details of which are provided in the annexures attached to the application. These details are in nature of certificate from the Bankers about the payment of money to the arrears of Advocate/Legal Firms.
7. Learned Counsel for the Union of India vehemently opposed grant of any prayer.
8. We have considered the submissions. We note that the number of legal proceedings is either being defended or prosecuted by the Applicant and Applicant is only entitled to withdraw a sum of Rs. 2 Lakhs per month and funding of these litigations were met from the resources available with his Mother and Sister. The Applicant has stated that even their resources stand exhausted and it is imperative to seek withdrawal of money form the Applicants' account under the restraint order to make outstanding payment to the Lawyers/Legal Firms. Though the learned Counsel for the Union of India vehemently opposed allowing the withdrawal of sum of

Rs. 31,35,000/- for clearing the outstanding legal fees as set out in the application, we are of the considered view that in the absence of free legal services available to the Applicant he has right to defend himself in the matter being prosecuted against him. Accordingly, it would be in the interest of justice to allow the Applicant for withdrawal of sum of Rs. 31,35,000/- to clear these dues. However, we do not find any substance in the prayer seeking withdrawal of Rs. 5 Lakhs per month for meeting his legal expenses. The Applicant has also prayed for operation of his bank account by Applicants Power of Attorney Ms. Deepa Sankaran, in view of his medical condition. Accordingly, we allow his Power of Attorney Ms. Deepa Sankaran to withdraw the said sum from the bank account and pay the same to the Lawyers/ Law Firms to settle their accounts.

9. In view thereof, prayer (A) & (C) is allowed and (B) is dismissed.

10.No order as to costs.

11.**CA No. 538/2022 is partly allowed and disposed of.**

Sd/-
PRABHAT KUMAR
MEMBER (TECHNICAL)

Sd/-
JUSTICE VIRENDRASINGH BISHT
MEMBER (JUDICIAL)

Sapna