

IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH, BENGALURU
[Through Physical hearing/VC Mode (Hybrid)]

ITEM No.23
C.A.Nos.80, 88/2023 & 55/2024 in
C.P.No. 53/BB/2023

IN THE MATTER OF:

Sri Saravanakumar Shivakumar & Ors. ... Petitioners
Vs.
M/s. Asmakam Infra Projects Pvt. Ltd. & Ors. ... Respondents

Order under Section 241- 242 of Companies Act, 2013

Order delivered on: 11.07.2024

CORAM:

SH. K. BISWAL
HON'BLE MEMBER (JUDICIAL)

SH. MANOJ KUMAR DUBEY
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Petitioner/
Applicant in C.A 80/2023 : Shri Arjun K Perikal
For R-1 to 3 & 5/
Applicant in C.A 88/2023 : Shri S Vivekananda

ORDER

C.A.Nos.80 & 88/2023:

1. Heard the Ld. Counsels for the Applicant and Respondents.
2. It is stated by the Respondents No.1 to 3 & 5 that he has filed an Additional Affidavit in C.A.No.88/2023 vide Dy.No.3692 dated 26.06.2024 in which it is alleged that Petitioner in main C.P has sent an email to AOP and the Respondents to the C.P which created a threat and confusion and the clear intention of the Petitioners was to block the development of the project. The said email constitutes a blatant attempt to intimidate the Respondents by using the interim order and its modification issued by this Tribunal on 30.04.2024, as follows:

"It is noticed that pleadings are complete. Shri S. Vivekananda, Ld. Counsel for Respondent Nos.1, 2, 3 and 5 seeks for modification of the interim Order granted on 03.05.2023 in view that the said Order is stalling the development of the Project work of the R-1 Company, and in this regard he has given an undertaking that no assets of the

R-1 Company will be alienated, and that he seeks this modification only for the purpose of development of the Project work. Taking into consideration of the aforesaid undertaking, the interim Order granted on 03.05.2023 is extended till the next date of hearing with the modification that the development of Project work of the R-1 Company may not be adversely affected.”

On account of the threatening email, the other party of the Joint Venture AOP are refusing to proceed further as far as the development of the project is concerned.

3. During the course of arguments, Ld. Counsel for the Respondent has also agreed not to stall the development of the Project work. However, his primary concern is not to sell any assets of the Respondent No.1 Company. Further, he is directed to file explanation regarding the affidavit.
4. It is clarified by this Tribunal that the Order dated 30.04.2024 has already ensured that the development of the R-1 Company's Project work will not be adversely affected, and the direction has to be strictly complied with.
5. List the case on **05.09.2024**. The interim Order granted on 03.05.2023 is extended till the next date of hearing with the modification/clarification.

-Sd-

**MANOJ KUMAR DUBEY
MEMBER (TECHNICAL)**

-Sd-

**K. BISWAL
MEMBER (JUDICIAL)**