

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
SPECIAL BENCH

ITEM No. 05
123/241-242/PB/2018

IN THE MATTER OF:

Aude Priya Donatelle Wacziarg EP Engel & Anr. Petitioner/Applicant
v.
Delhi Warehousing Pvt. Ltd. & Ors. Respondent

Order Under Section 241-242

Order delivered on 19.01.2023

CORAM:

SH. ASHOK KUMAR BHARDWAJ
HON'BLE MEMBER (JUDICIAL)

SH. AVINASH K. SRIVASTAVA
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Petitioner	Ms. Nidhi Mohan Parashar with Mr. Rohan Chawla, Advs.
For the Respondent	Mr. Ashish Verma, Adv. R-2

ORDER

CA-775/2019

The prayer contained in the IA is for issuance of direction to respondent No. 2 to produce the report of Mr. Rohit Bakshi in compliance of the order dated 26.09.2018 & 16.11.2018 and for issuance of direction to Respondent No. 2 to furnish the proof of ownership of the alleged arts and artifacts Fort Palace which are claimed by him. The further direction sought in the IA is for the production of the Income Tax Returns of Respondent No. 2. As far as the prayer clause 1 is concerned, Ld. Counsel for the applicant submitted that since the orders dated 26.09.2018 & 16.11.2018 have been complied with, the prayer has become infructuous. Regarding the issuance of direction to Respondent No. 2 to furnish the proof of ownership of the alleged arts and artifacts

(*ibid*) and production of his ITR, Ld. Counsel for Respondent No. 2 fairly submitted that as there is an Administrator/Director in place, the captioned CA is not maintainable before this Tribunal and the plea may be raised before Director. The Counsel for applicant in the CA conceded the suggestion/plea raised on behalf of R-2. In view of the rival submissions put forth and the facts captioned in the CA, we dispose of the same with an observation that the applicant would be at liberty to espouse the plea/grievances raised in CA before the Hon'ble Administrator. We are sanguine that the grievance of the applicant would be considered by the Hon'ble Administrator if espoused and raised before him.

CA-775/2019 stands disposed of. No cost.

CA-779/2019

Ld. Counsel for the applicant submitted that an independent director has been appointed, thus the prayer made in the CA has become infructuous and seeks to withdraw the same.

The **CA-779/2019** stands dismissed as withdrawn.

CA-1927/2019

Though the prayer made in the CA is for initiation of the Contempt proceedings against the Respondent No. 2 & 4 and for passing the appropriate order removing Respondent No. 2 as director of the Respondent No. 1 company, the Ld. Counsel for the applicant in CA submitted that she would be satisfied if Respondent No. 2 is directed to provide her the legible copies of the bank statements in respect of affairs of the company for the years 2016, 2017-18, referred to in order dated 13.04.2018 passed by this Tribunal. Ld. Counsel for Respondent submitted that though the

bank statements have already been made available to the applicant, but he would have no difficulty in making another copy of the same available to the applicant. Let Respondent No. 2 make copies of the bank statements (*ibid*) available to the applicant in the CA within two weeks.

In view of above, **CA-1927/2019** stands disposed of.

CA-1928/2019

As prayed by the Ld. Counsel for the applicant, the CA is dismissed as withdrawn with liberty to file fresh one in accordance with law if so advised.

CP. No. 123/241-242/PB/2018

Mr. Ashish Verma, Ld. Counsel appeared for respondent No. 2 submitted that the said respondent is represented by Mr. K. Datta, Ld. Senior Counsel who is on his legs before the Hon'ble Supreme Court. Having submitted so the Ld. Counsel seeks an adjournment.

Ld. Proxy Counsel appearing for the petitioner also espoused the same difficulty i.e. the arguing counsel is busy elsewhere.

As prayed by the Ld. Counsels for the parties we defer the hearing in the matter to 20.01.2023 i.e. tomorrow for physical hearing.

SD/-
(AVINASH K. SRIVASTAVA)
MEMBER (TECHNICAL)

SD/-
(ASHOK KUMAR BHARDWAJ)
MEMBER (JUDICIAL)