

**NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH**  
**COURT III**

104. I.A. 2430/2023

In

C.P.(IB)-935(MB)/2020

CORAM: MS. LAKSHMI GURUNG, MEMBER (J)  
SH. CHARANJEET SINGH GULATI, MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL  
COMPANY LAW TRIBUNAL ON **29.04.2024**

NAME OF THE PARTIES: Edelweiss Asset Reconstruction Company Limited

V/s.

Smaaash Entertainment Private Limited.

**Appearance**

For Applicant : Sr. Adv. Gaurav Joshi

For Respondent : Adv. Malhar Zatakia a/w. Adv. Sonam Pandey i/b. Sujit

Lahoti for R-1, Adv. Rohan Agarwal a/w. P. P. Shah for

R-8, Adv. Shadab S Jan for R-2

SECTION 7 OF THE IBC, 2016

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**ORDER**

**Hearing Through: Virtually and Physical (Hybrid) Mode**

**I.A. 2430/2023**

R-8 has tendered additional affidavit dated 27.04.2024, duly signed by Mr. Avanish Babu Agarwal, director of R-8, identified by Adv. Parth Shah, (Mobile No. 9920374044) duly notarised by Mr. R. B. Gupta, Notary Govt. of India, and registered Sr. No. 75509 page No. 86 dated 27.04.2024. It is submitted by R-8 that R-8 is ready and willing to extend its full and complete co-operation to the Applicant and undertakes to do following act/provide information in response to the reliefs sought by the Applicant in the present IA: The undertaking is reproduced below:

Quote

- i. *I state and submit that with respect to prayer clause 29 (a) of the Application, Respondent No. 8 will hand over the domain/brand name SMAAASH and shall discontinue using, associating, depicting, publicizing its business with the brand name "SMAAASH", with immediate effect, In this regard, Respondent No. 8 also undertakes to remove all the particulars pertaining to the brand name SMAAASH either online or offline including at its 19 centers that in any manner shows Respondent No. 8's association with the brand 'SMAAASH' within a period of 40 days.*
- ii. *I state and submit that with respect to prayer clause 29(b), for the transfer of domain "www.smaaash.in" back to Corporate Debtor application for transfer needs to be filed by Corporate Debtor to concerned agency. The Corporate Debtor will have to make such an application and Respondent No. 8 undertakes to fully cooperate with the Applicant to facilitate such a transfer.*
- iii. *I state and submit that with respect to prayer clause 29(f), R8 will handover the Applicant with password and credentials to access the email server of the Corporate Debtor including the password for "admin(@smaaash.in", immediately. However, I say that the email service from Google, email service provider has been discontinued with effect from 27<sup>th</sup> February 2024.*
- iv. *I state and submit that with respect to prayers sought at paragraph 29(c), (d), (e), (g), (h), (j), (k), (m), (n), (o) and (p) the said prayers are not against Respondent No. 8 and hence no response stands warranted from Respondent No. 8.*
- v. *I state and submit that with respect to prayer clause 29(i), the telephone number 8377008667 is not registered in the name of Respondent no. 8. Therefore, there arises no question of*

*Respondent no. 8 handing over the telephone number to the Resolution Professional. In any event, Respondent no. 8. will discontinue utilizing the aforesaid telephone number with immediate effect.*

- vi. I state and submit that with respect to prayer clause 29(l), Respondent no. 8 undertakes to provide the applicant with the requisite log in IDs and passwords for the social media accounts of the Applicant including but not limited to Facebook (Facebook Profile @Smaaash HO and Facebook page @Smaaash, Entertainment), Instagram (@Smaaash\_live), YouTube @https://youtube.com/@Smaaashlive), and Twitter etc., immediately.*
- vii. I state that whatever is stated herein is true to the best of my knowledge.*

Unquote

Ld. counsel for R-8 submits that the all required passwords for domain, social media account of the applicant including but not limited to Facebook, Instagram, YouTube, Twitter is being forwarded to the RP through email, today itself, which is not mentioned in the affidavit to maintain the confidentiality of the password.

We further direct R-8 to remove all material pertaining to brand name SMAAASH from online or offline including 19 centres which depicts association of R-8 with brand SMAAASH within 20 days from today.

List on **13.06.2024** for compliance of this order.

Sd/-  
CHARANJEET SINGH GULATI  
Member (Technical)  
---Rajeev---

Sd/-  
LAKSHMI GURUNG  
Member (Judicial)