

**NATIONAL COMPANY LAW TRIBUNAL**  
**MUMBAI BENCH**  
**COURT-IV**

23. COMP.APPL/483(MB)2023  
CONT.A./1(MB)2024  
IN  
C.P.(CAA)/18(MB)2022

CORAM:

MS. ANU JAGMOHAN SINGH  
MEMBER (Technical)

SHRI KISHORE VEMULAPALLI  
MEMBER (Judicial)

ORDER SHEET OF THE HEARING HELD ON **04.04.2024**

Name of the Party: Supreme Infrastructure  
India Limited

Section 230-232, 425 of Companies Act, 2013, Rule 11 of NCLT Rules 2016

**ORDER**

1. Mr. Ashish O. Lalpuria a/w Ms. Suman Ramkumar Dhamecha, Ld. Authorised Representative for the Applicant present. Mr. Ankita Singhania a/w Mr. Rohan Agrwal, Mr. Sujit, Ms. Shrutshti, Mr. Adity Sheth and Ms. Preeti Shukla, Ld. Counsel for the Respondent in both Company Application and Petitioner in C.P.(CAA)/18(MB)2022 present. Mr. Siddharth Jain and Mr. Vinod B. Agarwala, present in person on behalf of the Petitioner.

**CONT.A./1(MB)2024**

2. This is an Application filed under Section 425 of the Companies Act, 2013 r/w provisions of the Contempt of Courts Act, 1971 by the Applicant.
3. At the time of hearing and upon perusal of the record, this Bench noticed that, a Show-Cause Notice was issued under Section 425 Companies Act, 2013. Out of the 10 Respondents therein, Respondent Nos. 7 and 9 were present and submitted their unconditional apology regarding the violation of afore-mentioned order of this Bench. The Respondent No. 2 is managing director, but on account of medical/health grounds, is unable to be physically present. Therefore, his

appearance is hereby dispensed with. Further, Respondent Nos. 3, 4 and 5 are nominated directors and they were not present. The reasons explained by the Respondents are satisfactory, hence, the appearance of the said Respondents is hereby dispensed with as well.

4. In view of aforesaid submission(s), the present Contempt Application is hereby **Dismissed**.

**COMP.APPL/483(MB)2023**

1. This is an Application filed under Rule 11 of NCLT Rules, 2016 by the Applicant seeking appropriate direction from this Bench to direct the Respondent Company to make payment to the Applicant/discontinued Employee of the Respondent Company as per the Scheme.
2. In so far as the captioned Petition is concerned and in consonance with the order of this Bench dated 20.02.2024; We note that in relation to Prayer Clause (D) thereto, the Respondent(s) were directed to submit compliance of the said Order with respect to the unpaid salaries to the discontinued employees as per Part-III of the captioned Scheme. The Ld. Counsel for the Petitioner submits that the said employees are entitled for the salaries in conformity with the Decree passed by the Hon'ble Civil Court. Hence, the said employee is entitled for INR 26 Lakhs as per the afore-mentioned Decree, and interest thereupon.
3. We find that the Applicant has not included in the said Decree in the captioned Scheme of Arrangement at the time of approval of the Scheme.
4. The Ld. Counsel for the Respondent(s) submit that the said Scheme of Arrangement encloses list of the discontinued employees. Out of the said list, Sr. No. (593) viz. Mr. Jamaluddin Sheikh, is the Petitioner herein. There exists due of INR 10,12,028/- against him. The Respondent further submitted that he has filed a computation statement herewith along-with interest thereupon up to-date.
5. In view of the above, the Ld. Counsel for the Respondent is ready to give the Demand Draft (amount as stipulated in the Scheme alongwith

interest to date) to the Applicant herein, as per the arrangement of the said Scheme. During the course of the hearing however, the Ld. Counsel of the Applicant declined to accept the said Demand Draft.

6. This Bench is therefore of the considered view that, the non-consideration of the Decree in the said Scheme is not being adjudicated upon herein, and thus this Bench has no jurisdiction/ power to pass any Order(s) beyond the Scheme of Arrangement to make payment of the Applicant. The present application bearing **COMP.APPL/483(MB)2023** is **disposed-of** accordingly.

Sd/-

**ANU JAGMOHAN SINGH**  
**Member (Technical)**

/Dubey/

Sd/-

**KISHORE VEMULAPALLI**  
**Member (Judicial)**