

ORDER

TCP/55/KOB/2019

None has appeared for the Petitioner even though link was provided. Learned senior counsel for R1 Shri Joseph Kodianthara appeared through VC. Learned senior counsel for R1 brought the attention of this Tribunal to the order of this Tribunal dated 10.12.2019 which reads as follows:

- A. "We are not inclined to modify the Order of NCLT, Chennai Bench passed on 28.02.2019 and 04.06.2019 and accordingly, the scope of the Forensic Audit, as decided from 01.04.2011 – 31.03.2012 to 01.04.2018 – 31.03.2019 of the 1st Respondent Company shall continue.
- B. Justice (Retired) Mrs Chitra Venkataraman is directed to closely monitor the Forensic Audit being conducted by the Auditor appointed by her and ensure that the audit is completed well within 6 months as agreed to by the auditor from the date of this order. The final report with her legal opinion and suggestions should be submitted within 15 days from the date of receipt of the final report of the Auditor so appointed.
- C. No extension of time shall be permitted to the auditor, as sufficient time has already been elapsed.
- D. As regard the criminal complaint, the order dated 28.02.2019 of NCLT, Chennai Bench and the order dated 26.08.2019 of Hon'ble High Court of Kerala shall continue to be in force until the Forensic Audit is completed and the view of Justice (Retired) Mrs Chitra Venkataraman is considered by this Tribunal."

The learned senior counsel stated that the Report of Justice (Retired) Mrs Chitra Venkataraman has not yet been received. In this connection he cited the Order of the Hon'ble Supreme Court dated 23.03.2020, in which it is ordered that a period of limitation in all proceedings, irrespective of limitation prescribed under the general law or Special Laws whether condonable or not shall stand extended w.e.f. 15.3.2020 till further orders. Therefore, he sought an adjournment for 6 months in this case to enable Justice (Retired) Mrs Chitra Venkataraman to submit her report.

Heard and perused the records. Justice (Retired) Mrs Chitra Venkataraman shall submit her report within 5 months from this date.

Registry is directed to issue copy of this order to both the parties including Justice (Retired) Mrs. Chitra Venkataraman through email.

List on 01.07.2021.

Sd/-

Ashok Kumar Borah
Member (Judicial)

*This case is
referred to
23.7.21
due to
and 19
lockdown*

*Report
not recd
22/7/21*

22/7/21