

COMPANY LAW BOARD
NEW DELHI BENCH
NEW DELHI


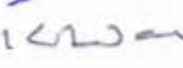
C. P. NO. 72(GUJ)2016
CA. NO.

PRESENT: B.S.V. PRAKASH KUMAR
MEMBER (JUDICIAL)

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NEW DELHI BENCH OF
THE COMPANY LAW BOARD ON 30.05.2016 AT 10.30 A.M**

**NAME OF THE COMPANY: M/s. Ruchir Radha Mohan Mittal V/s. Radha Mohan Filaments
Pvt. Ltd.**

SECTION OF THE COMPANIES ACT: 397/398

| S.NO. | NAME | DESIGNATION | REPRESENTATION | SIGNATURE |
|--------------|-----------------|--------------------|-----------------------|---|
| 01. | D.R.DAVE | PCS | Petitioner |  |
| 02 | ICUNIAL DACA | PCS | Resp 2 & 4 |  |

Order

On the Company Petition moved by the petitioner, both the parties, without prejudice to their rights and contentions in respect to R1 company, have agreed to the following :

- a) For appointment of a Local Commissioner to inspect the factory premises and note down the details of plant and machinery lying in the factory premises and prepare a report of details of plant and machinery and place the same before this Bench on the next date of hearing.
- b) As to EoGM scheduled to happen today, since SARFAESI proceedings are already initiated in this case, and the company not doing any business, there is consensus in between the parties not to hold EoGM, either to increase authorized share capital or to raise a loan and to convert the same into equity.
- c) The parties also consented not to appoint Mr. Sanjay Gupta as professional director.

 P.T.O.

2. In view of the consensus between the parties, this Bench hereby appoints Mr. Chetan Dholakia, Chief Manager, Bank of Baroda, Textile Market Branch, Surat (Mob No. 9099008418) as Local Commissioner to inspect the factory premises and note down the details of plant and machinery lying in the factory premises, prepare a report and place the same before this Bench on the next date of hearing.
3. This Bench hereby also directs the company not to hold any EoGM and proceed with any Agenda items proposed to be held in the EoGM to happen today, with a liberty to the company to bring in any unsecured loan as and when any contingency arises to meet the demand of the situation.
4. Since SARFAESI proceeding has already been initiated, symbolic possession of the properties have been taken by the bankers and for having this Bench already appointed a Local Commissioner to inspect the factory premises, this Bench, in the backdrop of the situation existing, does not find any merit to pass another restraint order over the company as to assets of the company.
5. However, when the company is required to take policy decision, it is at liberty to approach this Bench to hold EoGM or any other general meeting.
6. The company will not go for any issue of shares in favour of anybody until further orders.
7. For there being a bitter acrimony in the company, and there being no objection to restrain himself entering to the factory premises, the petitioner is directed not to enter into the factory premises without approval of this Bench. Since the Local Commissioner appointed is going to inspect the factory premises on notice to either side, the petitioner is at liberty to go to the factory premises on the day when the Local Commissioner inspects the factory premises.
8. The respondents side is directed to file reply within six weeks hereof, rejoinder, if any, within six weeks thereof.

List the matter on 05.10.2016 at 2 p.m.


(B.S.V. PRAKASH KUMAR)
Member (Judicial)