

COMPANY LAW BOARD
NEW DELHI BENCH
NEW DELHI

CP NO. 3(MB)/2016

CA NO. 06/MAH/2016

PRESENT: CHIEF JUSTICE M. M. KUMAR
CHAIRMAN

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NEW DELHI BENCH OF THE
COMPANY LAW BOARD ON 21.01.2016

NAME OF THE COMPANY: Mrs. Smita Ajay Yeole

Vs.

M/s. Oriental Weaving & Processing Mills Pvt. Ltd. & Ors.

SECTION OF THE COMPANIES ACT: 397, 398, 399 rw 402 and 403 of the Companies Act 1956.

S.NO. NAME DESIGNATION REPRESENTATION SIGNATURE

1. Sudipta Sen Adv
Sarkar

Rashmikant Adv

Naushad Adv

Sujanta Hareneela Adv

Vikrant Pachnando Adv

Radhika Gautam Adv

Nitesh Gupta Adv

Petitioners



ORDER

The petition has been mentioned.

Arguments of both sides on the interim relief have been heard at some length. Admittedly there are disputes between the petitioner and Respondent No.2- Mrs. Vandana Vishwanath Chalke, who is her mother. The disputes appear to have surfaced after August 2015 when Respondent No.2 stopped signing the cheques being the joint signatory with the petitioner. As a result a number of cheques have accumulated which are pending clearance with respondent No.2. It is pertinent to mention that the Bombay High Court, passed a consensus order dated 13.01.2016 in probate proceeding and has appointed Mr. Berjis Desai, Advocate and Solicitor of High Court of Bombay as Administrator in respect of the properties of late father of the petitioner. That order has been passed by consensus of the parties.

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In these proceedings also there is consensus between the parties that the cheques issued by the Petitioner in his capacity as Managing Director of R-1-company shall be reconsidered and if possible be cleared by Respondent No.2. The cheques which are objected to by respondent No.2 may be referred to the Administrator with objections in writing. The objections so raised shall be considered by the Administrator in accordance with law. Cheques where there is no objection, shall be cleared within a period of one week from today i.e. on or before 29.1.2016 and the disputed cheques thereafter may be referred to Administrator who may decide the same within a period of ten days thereafter. The Administrator would be at liberty to seek professional help if such a necessity is felt by him.

There are serious allegations against Respondent No. 3 who is son of Respondent No.2. Accordingly, Respondent No.3 is restrained from interfering in the functioning of the Respondent No.1-company and also in the affairs of petitioner. Reply if any be filed within two weeks with a copy in advance to the counsel for petitioner.

List for further consideration on 2.3.2016 at 10.30 am.


(CHIEF JUSTICE M.M. KUMAR)
CHAIRMAN

Dated: 21/01/2016
(vidya)