

COMPANY LAW BOARD
NEW DELHI BENCH
NEW DELHI

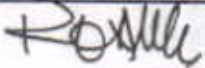



C. P. NO. 31(ND)09
CA. NO.

PRESENT: B. S. V. PRAKASH KUMAR
HON'BLE MEMBER

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NEW DELHI BENCH OF
THE COMPANY LAW BOARD ON 23.05.2016 AT 02.00 P.M**

NAME OF THE COMPANY: M/s. J.R. Gargwani V/s.M/s. Avon Crains Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 397/398

| S.NO. | NAME | DESIGNATION | REPRESENTATION | SIGNATURE |
|-------|-----------------|-------------|----------------|---|
| 1. | RATIK ADLAKHA | PCS | R2 |  |
| 2. | C S Bhojwani | | R3 In Person |  |
| 3. | KHIMENDU DATTA, | ADV | RECEIVER |  |
| 4. | RAHUL MALHOTRA, | ADV. | Asst RECEIVER | |
| 5. | Mr. Anil Atri | Sr. Adv | Petitioner | |
| 6. | Pavinder | Adv | " |  |
| 7. | BKV Subrahmanya | Adv | " | |
| Order | | | | |

Today is the date for the successful bidder, Mr. C. S. Gangwani (R3) to deposit 10% of the bid amount as per the orders dated 13.05.2016. But, the successful bidder, now, has come forward saying that he could not proceed with acquisition of the company, in view of the bidding happened on 30.05.2016 for his son studying in Australia is not interested in this deal.

Contd/-.....



2. On hearing such a submission from the successful bidder (R3), the petitioner side says R3 should have made the statement on the day when auction was held, having not done so, he could not now come and say that he could not acquire the company because his son is not interested in it.

3. However, for there being a clause in bidding terms dated 22.04.2016 saying, "*(b) In case of failure to deposit by the successful bidder, the first tranche in the stipulated time, the next highest bidder will be invited to purchase the company. Additionally, the earnest money consisting of two pay orders of ₹15lakh each of the defaulting bidder shall stand forfeited and respective pay orders shall be handed over to the non-defaulting Director(s)*", R3 himself has come before this Bench that he is not interested to acquire the company in furtherance of the auction held on 13.05.2016, therefore, he is hereby directed to file Affidavit reflecting the same on 27.05.2016.

4. Since the clause above stating that the next highest bidder will be invited to purchase the company, the second highest bidder being Mr. J.R.Gangwani (the petitioner) in the auction held on 13.05.2016, he has come forward to arrange the money as mentioned in the order dated 13.05.2016, henceforth, he must make himself ready with the money as mentioned in the bidding terms once the highest bidder in default has filed the affidavit as mentioned above. The time line for payment of first tranche will be decided on 27.05.2016.

List the matter on 27.05.2016 at 2.00 p.m.

Sdt

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