

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal(AT) No. 69 of 2018

IN THE MATTER OF:

Vishwanath Bathla & Anr.

...Appellants

Vs

G.R. Bathla Publications Private. & Ors.

....Respondents

Present:

**For Appellants: Mr. Saurabh Kalia and Mr. Palash Agarwal,
Advocates**

**For Respondents: Mr. Ranjana Roy Gawai and Ms. Sreenita Ghosh
Advocates.**

ORDER

08.03.2018 This Appeal has been preferred by the Appellants (original Petitioners) against the order dated 15.01.2018 passed by National Company Law Tribunal, New Delhi (hereinafter referred as "Tribunal") in C.P. No. 01/241-242/ND2018 which reads as under:

"A short reply has been filed by the Respondent in view of the notice on the interim application for which the matter is listed today for due consideration. Ld. Counsel for the Respondent prays for further time to file her detailed reply. Liberty granted to file the same.

Vide an interim application, the petitioner prays that the new accounts opened by the Respondent in the name of the Respondent company be closed and the operation in the existing banks to become status ante the freezing of the accounts.

In view of the background addressed, where the company comprises of a father and his two sons, this Bench is of the view that

all accounts of the Respondent Company be jointly operated by 2 Directors. All 3 Directors would be signatory to the Bank accounts. It would preferably in the first instance that the Petitioner No. 1 and Respondent No. 2 jointly operate these accounts for the day-to-day business expenses of the company. In case of any impediment caused in the disbursement of the payments, respondent no. 4, the father shall be the second signatory. The statement of all disbursements shall also be given to either side.

As the Directors are entitled to monthly emoluments of Rs. 1 lakh each, they shall be entitled to withdraw the same under joint signatures. In the reply filed by the Respondent, it is alleged that the petitioners have siphoned off huge amount in their personal names and in the names of their sons. The petitioner shall justify the same that these were sanctioned by the respondent company as unsecured loans to them.

Keeping in view that the dispute is between the family members. It would be expedient that efforts for mediation is made by the Counsels.

To come up on 15th February, 2018 for reply to the petitioner. “

2. Learned Counsel appearing on behalf of the Appellants submits that they have challenged the appointment of Director (Respondent No. 4) before this Tribunal and their only grievance is against part of the impugned order whereby, the Tribunal allowed joint operation of the accounts for day to day business expenses of the Company.

3. We have heard learned Counsel for the Appellants and Ms. Ranjana Roy Gawai, Advocate on behalf of the Respondents. Taking into consideration the fact that there is an allegation of siphoning of funds by the Petitioners, the

Tribunal allowed one of the Appellants (Petitioner No. 1) to operate account of the business for day to day business expenses along with Respondent No. 2 whose appointment is not under challenge. In the aforesaid circumstances, we are not inclined to interfere with the order of interim arrangement.

4. The appeal is dismissed. However, there shall be no order as to cost.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

Akc/gc