

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

**Contempt Case (AT) No. 21 of 2018
IN
Company Appeal (AT) Nos. 397-399 of 2017**

IN THE MATTER OF:

Surinder Mehta & Ors.

...Appellants

Vs.

Prime Meiden Ltd. & Ors.

...Respondents

Present: For Appellants: - Mr. Ramji Srinivasan, Senior Advocate with Mr. Lalit Bhasin, Mr. Abhijeet Sinha, Ms. Anuradha Sarma, Mr. Inder Raj Gill, Mr. Avichal Prasad and Mr. Lakshya Khana, Advocates.

**For Respondents: - Mr. Sagar Chawla and Mr. Robin Dubey, Advocates for Contemnors No.1&2.
Mr. Mohit Jolly, Advocate for Contemnors Nos. 3 & 4.**

**Contempt Case (AT) No. 02 of 2019
IN
Company Appeal (AT) Nos. 397-399 of 2017**

IN THE MATTER OF:

Surinder Mehta & Ors.

...Appellants

Vs.

Prime Meiden Ltd. & Ors.

...Respondents

Present: For Appellants: - Mr. Rishub Kapoor, Mr. Shikhar Singh, Advocates.

For Respondents: - Mr. Mayank Ksheersagar, Ms. Pankhuri, Mr. Parthsarthy and Mr. Mohammad, Advocates for R-2.

Contd/-.....

O R D E R

12.03.2020— Mr. Ramji Srinivasan, learned Senior Counsel appearing on behalf of the Appellants submits that Mr. Abhijit Prakash, Contemnor-Respondent No.4, in terms of the earlier order dated 4th March, 2020 has shown the place where the records have been lying and handed over the keys and records.

2. In so far as Mr. Ashok Kumar Jain- Contemnor Respondent No.3 is concerned, it is alleged that he has shown the place/Almirah where the records have been lying, but has not handed over.

3. A letter dated 6th March, 2020 written by Contemnor Respondent No.3 has been produced, which reads as follows:

PRIME MEIDEN LIMITED

List of Secretarial Registers and records:

1. Investment register
2. Register of CCD
3. Executive Committee attendance register (22.08.2016, 31.08.2016 and 24.02.2017)
4. Audit committee (27th July 2010 to 12th November 2017) and Nomination and remuneration committee (31st May 2016 to 29.06.2016) attendance register
5. Board meeting attendance register part 1 and part 2(09.09.2008 to 12.11.2017)
6. General meeting attendance register (30.06.2014 to 31.08.2018)
7. Register of members
8. Share transfer register
9. Register of director's shareholdings
10. Register of charges
11. Share split register
12. Minutes of executive committee meetings 22.08.2016, 31.08.2016
13. Minutes of Nomination and remuneration committee dated 31.05.2016 and 29.06.2016
14. Minutes of EGM from the period May 2009 to March 2017
15. Minutes of AGM from the period May 2009 to March 2016
16. Minutes of Audit committee from July 2010 to September 2017
17. Minutes of Board meetings September 2008 to November 2017.
18. E-form filed with ROC since incorporation to 2016(2 files)
19. Share transfer documents (05.05.2016 to 15.07.2019)
20. ICB Related documents(2files) (August 2016 to January 2020)
21. FC-GPR Filed in 2014

Participants:

1. Mr. Kazumi Ikarashi MD of PML
2. Mr. Rajnish Kumar
3. Mr. Takashi Yanagishita
4. Mr. Ashok Kumar Jain
5. Mr. Robin Gupta

Location of the Record: In the custody of Mr. Ashok Kumar Jain on 7th floor of Prime Tower, 287-288, Udyog Vihar, Phase-II, Gurgaon-122016 in the office of Prime Meiden Ltd. The above said secretarial record is in the cabin of Mr. Ashok Kumar Jain which is under in his lock and key.

Meeting commenced at 1110hrs continued till 1340 hrs.
Mr. Ikarashi participated till 1150 hrs
All above secretarial records were identified by Mr. Rajnish Kumar till 1340 hours when he discontinued the meeting for lunch and the resumed the meeting 1530 hrs and concluded at 1600hrs.
Two original copies of the documents have been executed and one retained by each undersigned.


Ashok Kumar Jain


Rajnish Kumar

Date: 06.03.2020
Place : Gurugram

4. Learned counsel for the Contemnor-Respondent No.3 submits that the keys of Office of Mr. Ashok Kumar Jain- Contemnor Respondent No.3 are with the guard of the Company.

5. In the circumstances, without going into the question, we allow the Appellant to inform the Police and take help of them to open the lock of the office of Mr. Ashok Kumar Jain- Contemnor Respondent No.3 and take over the records of the company lying therein. It will be open to Mr. Ashok Kumar Jain- Contemnor Respondent No.3 to be present.

6. It is needless to say that if Mr. Ashok Kumar Jain- Contemnor Respondent No.3 says that keys are still lying with Guard, in that case, Mr. Ashok Kumar Jain- Contemnor Respondent No.3 is directed to hand over the keys, failing which this Appellate Tribunal may pass appropriate order.

7. The proceeding against Mr. Abhijit Prakash, Contemnor-Respondent No.4 is closed. Mr. Ashok Kumar Jain- Contemnor Respondent No.3 will remain present on the next date.

Post these appeals 'for orders' before a Bench presided over by Hon'ble Mr. Justice Bansi Lal Bhat on 16th April, 2020

At this stage, Mr. Ashok Kumar Jain- Contemnor Respondent No.3 submits that he will hand over the records and keys to the Appellant without intervention of the Police and take other steps. We allow him to do so.

[Justice S.J. Mukhopadhaya]
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

(Shreasha Merla)
Member(Technical)

Ar/G