

# National Company Law Tribunal

## Allahabad Bench


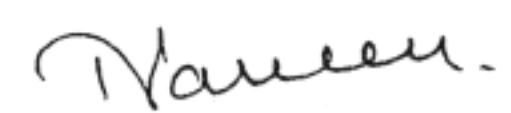
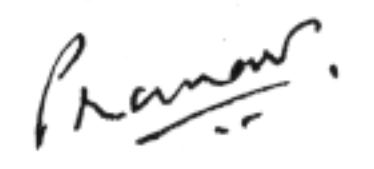

C P No. 142/ALD/2017, CA

No.212/2018

ATTENDENCE - CUM-ORDER SHEET OF THE HEARING OF ALLAHABAD BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 7.09.2018

NAME OF THE COMPANY: REV John Augustine & Ors. V/s. Lucknow Diocesan Trust Association & Ors.

SECTION OF THE COMPANIES ACT: 241/242

<u>Sl. NO.</u>	<u>Name</u>	<u>Designation</u>	<u>Representation</u>	<u>Signature</u>
1.	Ashish Bhatta	Advocate	Petitioner.	
2.	Naveen Narang	PCS	u	
3.	Pranav Kumar Srivastava	Advocate	Resp. No. 1	
4.	Krishna Dev Vyas	CGSC		

**CP NO. 142/ALD/2017, CA NO. 212/2018**

Sh. Ashish Bhatta, Advocate for the petitioner, Sh. Naveen Narang, Practising Company Secretary and Krishna Dev Vyas CGSC for the ROC and Advocate Sri Pranav Kumar Srivastava, Sanchit Garg and Praval Tripathi Advocate for Respondent no. 1 are present in the Court. Everyone who is appearing on behalf of R1 is claiming that he alone is authorised to represent the respondent no. 1. The Board Resolution has been filed by Advocate Sri Sanchit Garg.

In this case, petitioner has alleged that property of church is being disposed off by different groups of the Lucknow Diocesan Trust Association (LDTA) of respondent no. 1 company, claiming themselves as directors and in actual management and control of LDTA. He drew attention to the order of this Court passed on 23<sup>rd</sup> January 2018 which is given below for ready reference.

*"However, we are of the view, unless the stand of the respondent is known to this court and interim relief at this stage should not be granted but to protect the interest of both the parties in the interest of justice. The parties to the petition specifically respondent company are directed to maintain status quo as of today in respect of immovable assets of the Company and not to create any third party interest thereon without prior permission of the Court".*

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Despite the above order, petitioner has pointed out on the copy of the lease deed executed by and on behalf of the respondent no. 1 company LDТА, which has been registered on 24<sup>th</sup> February 2018 by Sub-Registrar Allahabad in “ **Bahi sankhya 1, Zild sankhya 9897, Sr No. 967 DT. 24.2.2018,** ” Registry shows that lease deed had been executed on 24.02.2018 by LDТА in favour of National Insurance Company for a period of 9 years with 5% increase in rent every year commencing from 20<sup>th</sup> day of March 2017 and ending on 19<sup>th</sup> day of March, 2018 at the rent of Rs.2,00,000/- (Rs. Two Lakhs only) per month for the first year and at the rent of Rs. 2,10,000/- (Rs. Two Lakhs and Ten thousand only) per month for the next year ,that is to say for the period from 20<sup>th</sup> day of March 2018 to 19<sup>th</sup> day of March 2019 and the at the rent of Rs.2,20,500 (Rs.Twenty Lakhs Twenty Thousand and Five Hundred only) per month for the next year i.e. to say for the period from 20<sup>th</sup> day of March, 2019 to 19 day of March, 2020 and at the rent of Rs.2,31,525 (Rs. Two Lakhs, Thirty-One Thousand, Five Hundred and Twenty-Five only) per month for the next year i.e. to say for the period from 20<sup>th</sup> day of March, 2012 to 19<sup>th</sup> day of March 2020. Lease is valid upto 19<sup>th</sup> March 2026. Lease deed has been executed by the Director Sh. Sanjay Ferrow s/o Julius Ferrow and (2) Marvin Massey S/o Allen Mark Massey on behalf of LDТА (Lucknow Diocesan Trust Association).

It is pertinent to mention that there was specific injunction order whereby status quo order was passed by this Tribunal regarding the prohibition of transfer of immovable assets of the company. It was specifically prohibited to create any third party interest thereon without prior permission of the Court. This alleged lease deed has been executed without prior permission of this Tribunal.

Let show cause notice under The Contempt of Court Act be issued against the Directors of LDТА who have executed the alleged lease deed , and explanation be sought from them, as to why action should not be taken against them, under the

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contempt of Court Act. They may be summoned in person in the Court on 9<sup>th</sup> October 2018.

Today many Advocates are appearing on behalf of LDТА, and every one is claiming that he is only authorised by the LDТА to make representation in the court. In the circumstances, it is difficult to ascertain that who is representing the (LDТА) Lucknow Diocesan Trust Association.

It is to be clarified that the Court order dated 23.1.2018 prohibits sale or creation of 3<sup>rd</sup> party rights on the properties of LTDA in any manner, without prior permission of this Tribunal. **We at this moment direct that the Board of Directors of LDТА to file clarification as to how they executed the lease agreement in violation of the court order.** Board is to file copy of the alleged Board resolution by which lease was permitted to be executed. The Board of LDТА is to further clarify the name of the advocate, who has been authorised by LDТА to represent in the Court.

**Let, show cause notice be issued against Sh. Sanjay Ferrow s/o Julius Ferrow and (2) Marvin Massey S/o Allen Mark Massey, the alleged Directors of LDТА, who have executed lease deed on behalf of the,** calling their explanation. Meanwhile, all bank accounts in the name of the Lucknow Diocesan Trust Association (LDТА) shall be frozen. However, if any party faces difficulty or hardship, that can approach to this Tribunal, so that permission, may be granted for the operation of the bank account.

ROC is directed to file details specifying the members of the Respondent no. 1 company within seven days. All the advocates who are claiming that he is representing Lucknow Diocesan Trust Association (LDТА) may submit their Vakalatnama & Board Resolution in their favour. The Copy of the petition may be

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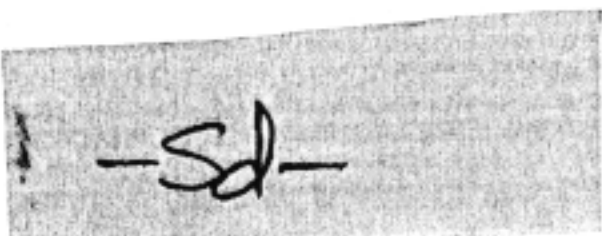
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given to the advocates representing Respondent No 1 company. Reply if any may be filed within a week.

Learned counsel for the ROC is present in the Court, who has received copy of the petition. He is directed to ensure compliance of the direction of the Court order.

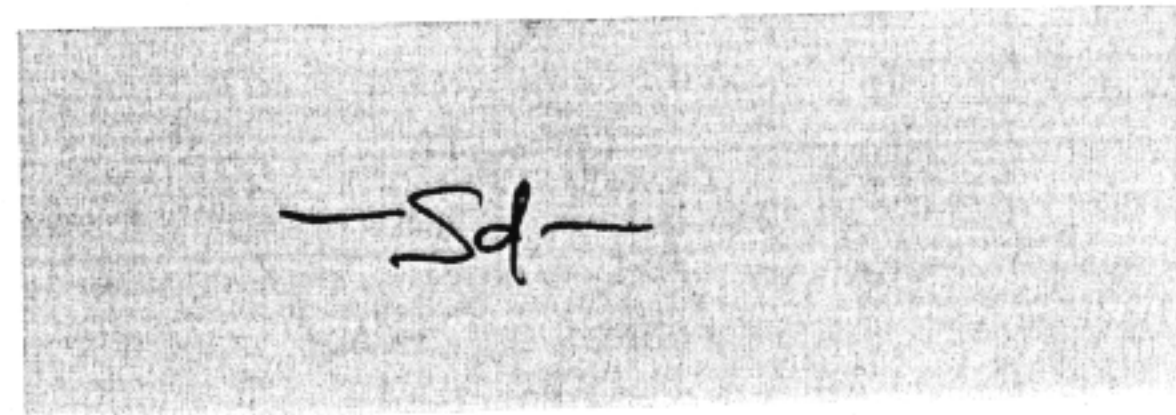
List the matter on 9<sup>th</sup> October 2018 for further consideration.

**Dated: 07.09.2018**



**SAROJ RAJWARE,  
MEMBER (T)**

Typed by:  
Md. Zaid  
(Stenographer)



**V.P. SINGH,  
MEMBER (J)**