

FORM NO. NCLT.11

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,

BENCH, AT NEW DELHI

PETITION CP NO.....(ND) 2016

IN THE MATTER OF SECTION 73(4) OF COMPANIES ACT 2013

AND

IN THE MATTER OF - DEPOSITOR/PETITIONER

AND

IN THE MATTER OF: M/S LIMITED - RESPNDENT

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Enclosed Bank Draft No. for Rs. 500/- dated drawn
in favour of Pay & Accounts Officer, Ministry of Corporate Affairs, New
Delhi, at Bank Ltd,, as per rule.

Place : NOIDA

Date : August 03, 2016 (Signature of the Applicants)

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IN THE MATTER OF -APPLICANT

AND

**IN THE MATTER OF: M/S LIMITED -
RESPNDENT**

(I) Name and address of Depositor/Applicant :

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(ii) Name of the Company & Registered Office address:

M/S LIMITED,

(iii) Amount of Deposit

Rs. 1, 00,000/- (rupees one Lakh)

(iv) Fixed Deposit Receipt Number and date :

FDR No. dated

(Photostat copy enclosed as Annexure-A)

(v) Terms and Conditions of Deposit as also date of its

Maturity The deposit was given for three years from

12.02.2013 at 12.5% rate of interest per annum with provision for payment of interest quarterly. The scheme of deposit was non-cumulative.

(vi) Details of payment made by the Company :

The Company released quarterly payment upto 30.06.2015. The Company defaulted in payment of interest from 01.07.2015

(vii) Actual Amount due as on date of application :

a) Principal Amount: Rs. 1,00,000/- (Rupees one Lakh)

b) Interest due as on 04.08.2016: Rs, 13,827/-
(Rupees twelve thousand five hundred

**c) Total dues as on date : Rs. 1,13,827/- (Rupees
one Lakh thirteen thousand eight hundred and
twenty seven)**

**(viii) Details of correspondence made between the
company and Depositor :**

1. Copy of letter dated 28 February 2015, sent by Depositor to Company for repayment of deposit as mandated U/S 74(1) (b), and also on grounds of need of funds for **cancer treatment of wife** - Annexure-B-1.

2. Copy of letter dated Letter dated 18 January 2016, sent to Company for repayment of deposit **under hardship for knee replacement of self**- Annexure-B-2.

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3. Copy of letter dated Letter dated 20 May 2016, sent to Company for repayment of deposit as mandated U/S 74(1) (b), and also **for knee replacement** of Depositor.

Annexure-B-3.

(ix) Any other particulars as may be considered relevant :

1. The depositor is Senior Citizen of 80 years and facing difficulties of funds for replacement of both knees which is being delayed. Copies of PAN & prescriptions of Safdarjung Hospital are enclosed.

Annexure-C1, C-2 & C-3.

2. The Company has failed to comply with the orders of Company Law Board, under section 74(2) in C.P. No. 10/18/2015 dated 22.06.2015 & 04..07.2016 to make immediate payments to depositors suffering from health issues. Similar orders were also repeated in Company Law Board Orders issued on 30.06.2015, 15.07.2015, and 14.09.2015. **Annexure D-1& D-2**

3. The depositors also sent letters dated 08.02.2016 and 02.04.2016 to Company Law Board, Registrar of

Companies and Ministry of Corporate Affairs Copies are
enclosed as **Annexure E-1, E-2, E-3 & E-4**

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THE DEPOSITORS - APPLICANT, THEREFORE, PRAYS:

(i) The company M/S LTD be directed to make repayment of the principal amount of aforesaid Deposits of Rs. one Lakh along with interest at agreed rate of 12.5% per annum, from 01.07.2015 till date of repayment of principal amounts in accordance with the Terms and Conditions of the Deposits.

(ii) That such further orders be issued to the Company as the National Company Law Tribunal may deem just and proper in the circumstances of case, for causing inconvenience, mental

agony and harassment, to very old super ailing senior citizen along
with penal rate of interest at 18% per annum for overdue period, u/r
17 of the Companies (Acceptance of Deposit) Rule 2014.

Place : **NOIDA.**

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Date: 03 August 2016 (Signature of the Depositor-applicants)