

NATIONAL COMPANY LAW TRIBUNAL

6th Floor, Fountain Telecom Building No. 1,

Near Central Telegraph Office, M. G. Road,

Fort, Mumbai - 400 001.

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सत्यमेव जयते

राष्ट्रीय कम्पनी विधि अधिकरण

छठी मंजिल, फाउन्टेन दूरसंचार भवन नं.१,

सेंट्रल दूरसंचार भवन के पास,

एम. जी. मार्ग, फोर्ट, मुंबई - ४००००१.

दूरभाषनं. २२६१७२००/२२६१९६३६ (फैक्स)

F. No.: C.P-265/241,242 & 244/NCLT/MB/MAH/2017/149-150

Date: 21.02.2019

Fibra Shipping Agency & Ors. - **Petitioner**

V/s

Dreams the Mall Company Ltd. & Ors. - **Respondent/Corporate Debtor**

To,

1. **Shri Subodh Kumar Jaiswal, IPS**
Commissioner of Police,
Main Bldg. 1st Floor, CP Office Compd.,
Dr. D N Road, Mumbai- 400 001
Email:- cp.mumbai@mahapolice.gov.in
Ph.: 022 22620826/
022 22613552
Mb. 9136032777

2. **Shri Arun Sonde,**
Divisional Assistant Commissioner of Police (East Region),
Bhandup Division,
Bhandu Police Station Bldg.,
5th Floor, Lake Road, Near Shree Krishna Takies,
Bhandup (West), Mumbai- 400 078
Email: -acpbhandup.mum@mahapolice.gov.in
Ph.:- 022 25963003
9870333270

Subject: Extending the police protection for removal of the illegal occupants and trespassers of the Mall viz '**Dreams the Mall Company Ltd.**', having its registered office at 64/65, Gate No. 2, LBS Marg, Bhandup (West), Mumbai- 400 078.

Take notice that a Petition /Application was filed under section 241,242, 244 and 271 of the Company Act, 2013 by the petitioner i.e. M/s Fibra Shipping Agency & Ors., V/s Respondent i.e. Dreams the Mall Company Ltd. It was heard by Division Bench No. I on 11.02.2019 of NCLT, Mumbai Bench and the order dated 11.02.2019 was passed by Division Bench No. I, NCLT, Mumbai Bench. The copy of the said order is **enclosed** for your kind perusal and necessary compliance.

B.A. Patel

Dy. Registrar
NCLT, Mumbai Bench

Encl. Above

Copy to,

1. **PETITIONER**


Fibra Shipping Agency & Ors,
C/o, Suresh Dubey,
Advocate of Petitioners,
Old Oriental Bld. , 2nd Floor,
M G Road, Fort, Mumbai- 400 023

2. **RESPONDENT**

M/s Dreams the Mall Company Ltd.
64/65, Gate No. 2, LBS Marg,
Bhandup (West), Mumbai- 400 078

3. **ADMINISTRATOR –DREAMS THE MALL COMPANY LTD.,**

Shri Rahul Sahasrabuddhe,
Administrator –Dreams The Mall Company Ltd.,
411, B-Wing, 4th Floor, Kanara Business Centre,
Ghatkopar, Andheri Link Road, Behind Everst Garden's,
Bldg. Laxm Nagar, Ghatkopar (E), Mumbai – 400 075,
Email: ad.dreamsmall@gmail.com,
Ph. 022- 2500 1505


Dy. Registrar
NCLT, Mumbai Bench

THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH – I,
MUMBAI

MA 539/2019 & MA 489/2019 IN CP (IB)-265/MB/2017

CORAM : SHRI V.P. SINGH, MEMBER (J)
SHRI RAVIKUMAR DURAISAMY, MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON **11.02.2019**

NAME OF THE PARTIES: **FIBRA SHIPPING AGENCY & ORS.**

v/s
DREAMS THE MALL COMPANY LTD. & ORS.

SECTIONS 241-242 OF THE COMPANIES ACT, 2013

ORDER

6. MA 539/2019 & MA 489/2019 IN CP (IB)-265/MB/2017

MA 539/2019 has been filed for an urgent listing of MA 489/2019. Given the urgency of the matter heard the argument of the parties regarding MA 489/2019.

MA 489/2019 has been filed by Mr Rahul Sahasrabuddhe, Administrator, appointed by this Tribunal in CP 265/2017 by order dated 31.8.2018. The applicant has stated that he is appointed as Administrator to run the Dreams Mall independently on the contribution made by the Petitioners and other shop owners. The role of the Administrator is limited to carry on the functions of the Common Area Maintenance of the Mall, and not in relations to affairs of the Company.

This Tribunal further passed an order that the progress report fortnightly is to be filed by the Administrator starting from 1.9.2018.

The applicant has stated that he is facing problem in realising the Common Area Maintenance Charges @ Rs.15/- per sq.ft. and in the removal of illegal occupants/trespassers from the Mall. It is further stated that as an Administrator, while performing his duties, he has directed the Respondents to hand over the list of the owners owning shops/offices/units in the mall and list of shareholders of the Respondent Company within seven days from the date of the order. This Tribunal has directed the administrator to realise the Common Area Maintenance @Rs.15 per sq.ft. of carpet area per month



THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH - I,
MUMBAI

: 2 :

MA 539/2019 & MA 489/2019 IN CP (IB)-265/MB/2017

starting from 1.9.2018 on an immediate basis, failing which, Administrator was directed to take necessary legal measures. The Administrator was also directed to take the police help for removal of illegal occupants of the Mall and cars, rickshaws; vehicles parked unattended and in an unauthorised manner.

Given the order of this Tribunal of 10.12.2018, the applicant took the meeting of the shop owners/office owners/unit holders of the Dreams Mall on 29.12.2018 for briefing them concerning the order of this Tribunal dated 10.12.2018. The applicant has issued demand notice for realisation of the maintenance charges to all the shop-owners of the Dreams Mall for making the payment towards the Common Area Maintenance/contributions @ Rs.15 per sq.ft payable from 1.9.2018 on monthly basis, for the months of September, October, November, December, 2018 and January, 2019. The notices were hand delivered as well as sent by the speed post to the shop owners/office owners/unit holders of the Mall.

The application has stated that in light of the order passed by this Tribunal, he has applied under Section 424 (3) of the Companies Act, 2013. The applicant has sought relief that direction may be issued to the appropriate Court for execution of the order dated 10.12.2018. Further, Administrator has requested that Local Police Authorities/Police station may be directed to extend the support and provide police protection for removal of the illegal occupants and trespassers of the Mall, removal of the car, rickshaws, vehicles parked unattended and in authorised manner and to help the Administrator in recovering the list of all the owners owning shops/ offices/units in the mall and the updated list of shareholders from the Respondents.

Ld. Counsel representing the Respondents requested time for filing reply against the application. Reply may be filed within 15 days from today.

However, in compliance of our order dated 10.12.2018, we pass an order for extending the police protection for removal of the illegal occupants and trespassers of the Mall, removal of the car, rickshaws, vehicles parked unattended and in unauthorised manner and to help the Administrator in recovering the list of all the owners owning shops/ offices/units in the mall.





THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH - I,
MUMBAI

: 3 :

MA 539/2019 & MA 489/2019 IN CP (IB)-265/MB/2017

Copy of the order may be sent to the concerned in charge of police of Bhandup Police Station and Police Commissioner of Mumbai for necessary compliance.

List MA 489/2019 on 1.3.2019 for disposal.

MA 539/2019 is disposed of accordingly.



RAVIKUMAR DURAISAMY
Member (Technical)



V. P. SINGH
Member (Judicial)