

IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

C.P. 265/241-242/2017
MA 2856/2019 MA 2066/2019 MA 2067/2019
MA 859/2019 MA 908/2019 MA 539/2019
MA 812/2019 MA 813/2019

CORAM: SHRI BHASKARA PANTULA MOHAN
MEMBER (J)
SHRI RAJESH SHARMA
MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON 16.01.2020

NAME OF THE PARTIES: Fibra Shipping Agency & Ors
V/S
Dreams The Mall Company Ltd & Ors

Section 241-242 of Companies Act 2013.

ORDER

**125. MA 2856/2019, MA 2066/2019, MA 2067/2019, MA 859/2019,
MA 908/2019, MA 539/2019, MA 812/2019, MA 813/2019 In
C.P. 265/241-242/(MB)/2017**

Heard the Administrator. The case of the Administrator who has been appointed by this court to oversee the operations of the mall is that an amount of Rs.15 per sq.ft on the carpet area has been fixed by this court as Common Area Maintenance charges and a very few shops are complying with the orders and most of the other shop owners are not complying with the same.

Apart from that the applicant in MA 859 who is present in the court submits that in the normal course, only Rs.3/- per sq.ft were charged and whereas the increase in the amount as maintenance

charges of Rs.15 per sq.ft is a burdensome thing, which they cannot afford.

It has been submitted by the Administrator that several of the shop owners are not complying with the orders of this court and as a result of which the Administrator is not in a position to make both ends meet and as a result of which the maintenance of the mall is suffered. This is a very peculiar issue. If only a few shop owners make the payment and others do not pay, there will be serious deficit and unless a strenuous action is taken against the non-payers, it would be very difficult to maintain the mall.

In view of the same, we hereby direct all the shop owners in the mall to forthwith comply with the directions of the court and make the payment of Rs.15/- per sq.ft. as maintenance charges as ordered by this court earlier. Subsequently, if at all there is any difficulty on their part after making the payment, they may approach this Bench in a representative capacity and agitate their grievance. Without making the payment and by putting the Administrator into difficulty, no purpose can be served. The asset value will be depleted because of non-maintenance. We once again reiterate that all the shop owners whosoever is conducting business or whosoever is holding the premises shall make the payment without fail and may approach this Bench after making the payment for any clarification in a representative capacity, that means as a group together but not individually.

The Administrator is directed to submit the list of defaulters on 30.1.2020.

List the matter for further consideration on 30.1.2020.

Sd/-
RAJESH SHARMA
Member (Technical)

Sd/-
BHASKARA PANTULA MOHAN
Member (Judicial)