

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) No. 42 of 2018

IN THE MATTER OF:

M. Sudarasan Swamy

...Appellant

Versus

Moana Hong Kong Ltd. & Ors.

...Respondents

Present:

For Appellant : Mr. Sumesh Dhawan and Ms. Vatsala Kak, Advocates

For 1st Respondent: Mr. Jasmeet Singh, Advocate

O R D E R

12.02.2018 Learned counsel appearing on behalf of the appellant submits that the appellant has no grievance against the substantive part of the impugned order dated 19th December, 2017 passed by the National Company Law Tribunal, Chennai in TCP No. 77/2016 except the opening observation made at paragraph 39 (page63) of the impugned order wherein the Tribunal observed that the financials of the respondent company have not been maintained, which suggests that the same have been siphoned off, as the petitioner alone has invested a sum more than one Million US\$ and the Managing Director, who is the 5th Respondent, is responsible along with other respondents named therein.

Let notice be issued on the respondents to state as to which are the evidences based on which aforesaid observations has been made by the Tribunal.

Mr. Jasmeet Singh, advocate accepts notice on behalf of the 1st respondent. No further notice need be issued on it. Learned counsel for the appellant has handed over the copy of the paper-book to the learned counsel for 1st Respondent. He may file a reply limited to the question as raised and noted above within two weeks.

Let notice be issued on the rest of the respondents by Speed Post. The appellant may correct the cause-title of the 2nd Respondent making it through the Liquidator. Requisites along with process fee, if not filed, be filed by 16th February, 2018. If the appellant provides the *e-mail* address of respondents, let notice be also issued through *e-mail*.

Post the matter on 9th March, 2018.

[Justice S.J. Mukhopadhaya]
Chairperson

/ns/uk