

**BEFORE THE COMMITTEE CONSTITUTED UNDER THE BOMBAY HIGH
COURT ORDER DATED 2nd SEPTEMBER 2014 IN SUIT NO. 173 OF
2014 AND OTHER RELATED SUITS COMPRISING OF MR. JUSTICE V.C.
DAGA (RETD.) CHAIRMAN, MR. J.S. SOLOMON (ADVOCATE AND
SOLICITOR-MEMBER AND MR. YOGESH THAR (CHARTERED
ACCOUNTANT MEMBER)**

MODERN INDIA LIMITED & ORS ...PLAINTIFFS
VS.

FINANCIAL TECHNOLOGIES (INDIA) LTD.
AND OTHERS ...DEFENDANTS

APPEARANCES:

Ms. Madhu Garodia, Ms. Purvi Doctor Advocate i/b Naik Naik & Co.
Advocates for NSEL/Defendant no.2

Mr. H. B. Mohanty from NSEL present.

Ms. Sarita Vishwakarma, Advocate for Mr. P.R. Yadav, Advocate, Aastha
Minmet (India) Limited and Juggernaut Projects Limited

ORDER SHEET NO. 91

(Dated 3rd December 2018)

1 Ld. Advocate Ms. Sarita stated that she is instructed by Aastha Minmet (India) Limited ("**Aastha**") and Juggernaut Projects Limited ("**Juggernaut**") to appear before this Committee and to seek adjournment. Advocate Ms. Sarita stated that Notice dated 23rd November 2018 issued on behalf of the Committee convening this meeting has been received by Aastha and Juggernaut.

2 Letters dated 6th November 2018 and 23rd November 2018 addressed on behalf of the Committee to Aastha and Juggernaut sent by registered post at the addresses of registered offices of Aastha and Juggernaut as shown on the website of Ministry of Corporate Affairs have been returned with the remark "Left". Letters dated 6th November 2018 and 23rd November 2018 on behalf of the Committee have been e-mailed to Aastha and Juggernaut on 6th November 2018 and 23rd November 2018 at their e-mail addresses aastha@aail.co.in, and yogendra.m@aail.co.in respectively and also to Mr. P. R. Yadav on his e-mail ID pradeepyadav00120@yahoo.com.

3 Ld. Advocate Ms. Madhu Garodia appearing for NSEL stated that copy of letter dated 19th November 2018 addressed by M/s. Naik Naik & Co., Advocates for NSEL, to the Committee along with its enclosures have

been e-mailed to Mr. P R. Yadav, Advocate for Aastha and Juggernaut, as also to Aastha and Juggernaut at their e-mail IDs pradeepyadav00120@yahoo.com, aastha@aail.co.in, and yogendra.m@aail.co.in respectively and produced copy of e-mail dated 20th November 2018.

4 Aastha in the accounts produced by them before the Committee have shown amount of Rs.37,63,385/- as receivable by Aastha from NSEL for VAT amount on sales made on 14th June 2013. Accounts of NSEL do not show this amount as payable to Aastha. The Committee called for explanation as to why, according to NSEL, credit for this amount of Rs.37,63,385/- should not be given to Aastha. Mr. Mohanty of NSEL stated that NSEL will submit their say by 4th December 2018.

5 The Committee referred to the adjustments on 25th, 26th, 29th and 30th July 2013 of amounts payable to Juggernaut under T+2 trades to Aastha as mentioned below:

Date	Amount of T+2 trade of Juggernaut adjusted against trade dues of Aastha to NSEL
25.07.13	23,46,98,190
26.07.13	10,64,70,400
29.07.13	12,39,98,670
30.07.13	9,15,00,132

The Ld. Advocate for NSEL referred to Affidavit dated 5th January 2018 of Mr. Rushikesh Sutawane, Authorised Signatory of NSEL containing explanation of NSEL, in which it is stated that Juggernaut and Aastha are Group Companies and Aastha had 'pay-in' obligation and therefore NSEL adjusted the amounts payable to Juggernaut towards the amount payable by Aastha, in order to conserve funds for payment to the investors/clients of non-defaulting members. In answer to a query from the Committee, the Ld. Advocate for NSEL stated that there was no authorization from Juggernaut or Aastha to make such adjustments.

6 In Annexure IV of letter dated 19th November 2018 of Advocates for NSEL, AMIL has been shown as one of the clients of Juggernaut with the remark "Client name, address and UCC not available". Mr. Mohanty of NSEL stated that Unique Client Code (UCC) of AMIL has not been provided by Juggernaut to NSEL and the client name, address and UCC of AMIL is not available with NSEL.

7 The names of clients on whose behalf outstanding T+25 trades have been entered by Juggernaut are as under:-

Client Name	T+25 Trade Values
Aastha Alloycorp Pvt. Ltd.	2,00,00,000
Aastha Minmet India Limited	188,64,34,500
Raagam Mines Pvt. Ltd.	7,06,08,000
Southern Ispat and Energy Ltd.	24,43,83,000
V B G Infrastructure Private Limited	4,51,05,000
UCC No. AMIL client name not mentioned	1,99,25,000
Grand Total	228,64,55,500

The Committee called upon the parties to make submissions on the liability of clients of Juggernaut in respect of outstanding T+25 trades of Juggernaut. Ms. Madhu Garodia Ld. Advocate for NSEL submitted that the primary liability is of the trading Member and the primary liability of the client of trading Member is to the respective trading Member.

8 The Application of Ms. Sarita, Ld. Advocate for Aastha and Juggernaut for adjournment of hearing was rejected and proceedings closed for submission of Report.


JUSTICE V.C. DAGA (RETD.)
CHAIRMAN


MR. J.S. SOLOMON
ADVOCATE AND SOLICITOR


MR. YOGESH THAR
CHARTERED ACCOUNTANT

M E M B E R S

