

08/02/2019  
dt 18/9/19.

Spl.C. FR No. 783/2019

FR NO 32/2019

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Spl.CC 783/2019

IN THE COURT OF LIX ADDITIONAL CITY CIVIL AND SESSIONS  
JUDGE BANGALORE CITY. (CCH-60)

PCR NO 32/2019  
ORDER SHEET

**COMPLAINANT :-**

**UMESH KUMAR SHARMA,**  
S/o. Shri.D.P.Sharma,  
Date of Birth/Age: 58 years,  
Designation: Chief General Manager,  
7<sup>th</sup> Floor, Mayur Bhawan,  
Shankar Market,  
Connaught Circus,  
New Delhi - 110001.

V/S.

**ACCUSED :-**

1. **M/S. BHUVANA INFRA PROJECTS PRIVATE LIMITED,**  
#528, First Floor, K.R.Garden, 6<sup>th</sup>  
Block, Koramangala, Bengaluru KA  
560095.
2. L.Ramesh, Ex.Director, Bhuvan Infra  
Projects Private Limited, Aged 45  
years, S/o. Shir Subbaao Lagadapati,  
# 230, 4<sup>th</sup> Cross, Near BWSSB  
Office, Bellandur, Marathahalli  
Colony, Bengaluru South KA 56013.  
  
Flat No.401, 4<sup>th</sup> Floor, Sri.Balaji  
Emerald Apartment, Sreinity Layout,  
Kalkondarhalli, Sarjapur Road,  
Bengaluru KA 560035.
3. Pratap Kunda, Ex-Shareholder and  
'Related Party' of all the Group  
companies of Bhuvana Infra Projects  
Private Limited, Aged 52 years, S/o.  
Shri Satyanarayana Kunda, No.4,  
Benson Road, Benson Town,  
Bengaluru KA 560046.
4. C.D.Sanjay Raj, Ex-Director of  
Bhuvana Infra Projects Private  
Limited and 'Related Party' of all the  
Group Companies, Aged 44 years,  
S/o. Shri Devaraj, No.4, Benson  
Road, Benson Town, Bengaluru, KA  
560046.
5. M.Srinivas, Ex-Director and Major  
Shareholder of Bhuvana Infra  
Projects Private Limited, Aged 54



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years, S/o. Venkateswarlu, No.D26,  
Golden Corner Apartments, Belandur  
Gate, Sarjapura Road, Near Belandur  
Gate, Bengaluru, KA 560003.

05.07.2019.

The Spl. Public Prosecutor presented complaint under Section 236 of the Insolvency and Bankruptcy Code 2016. The complaint is in the name of insolvency and Bankruptcy Board of India, represented by Umesh Kumar Sharma, Chief General Manager.

The complaint is filed against accused No.1 to 5 for the offences punishable under Section 69, 70, 73, 19(1) and 235A of The Insolvency and Bankruptcy Code 2016.

Perused the complaint. Under section 236(1) of The Insolvency and Bankruptcy Code 2016, the offence referred above shall be tried by the Spl.Court established under Chapter XXVIII of the Companies Act 2013. Under section 235 of Companies Act 2013 this Court is designated as Spl. Court to try the offences under the Companies Act. Therefore, satisfied that this Court is Spl. Court established under chapter XXVIII of Companies Act 2013 and competent to entertain the complaint under section 236(1)



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of The Insolvency and Bankruptcy Code 2016.

Accordingly, complaint is received today i.e., on 05.07.2019. Office is directed to register this Case as PCR and put up on 10.07.2019.

  
(B.B. Jakati)

LIX ACC&SJ, BENGALURU.

dt. 8/7/19

Submitted:-

-As per orders  
dt. 5/7/19, this complaint  
is registered as PCR 32/19  
on 8/7/19.

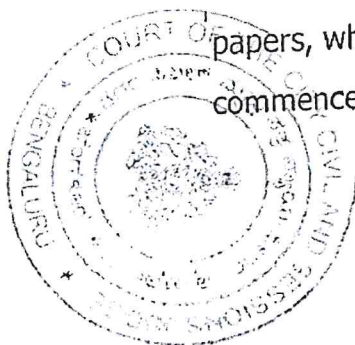
10.7.19

complaint - Set PP

Perused the complaint and the material placed with the complaint. There is allegation in the complaint that;

1. In the name of accused No.1 loan was raised from Bank of Maharashtra to the extent of rupees four hundred and sixty one Lakhs and such loan amount was transferred by the accused to their group of companies and thereby committed the offence under Section 69(a) of Insolvency and Bankruptcy Code 2016.

2. The accused have not delivered all the books and papers, which were in their control to the statutory after commencement of insolvency proceedings and thereby



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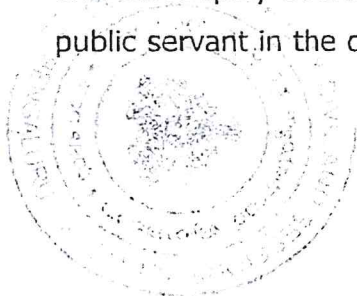
(18)

committed the offence under Section 70(1)(c) of Insolvency and Bankruptcy Code 2016.

3. The accused have made false representations prior to insolvency commencement date for the purpose of fraud and hereby committed the offence under Section 73(b) of Insolvency and Bankruptcy Code 2016.
4. The accused have not extended assistance and co-operation to the resolution professional and thereby committed the offence under Section 19(1) read with section 235A of Insolvency and Bankruptcy Code 2016.

In support of these allegations relevant records have been produced. Such records support the allegation prima facie. Looking to the allegations referred above and the material placed on record satisfied that there are sufficient materials to take cognizance of the above said offence. This Court is Special Court and therefore, can take cognizance of the offence directly. Accordingly cognizance is taken for the offence punishable under Sections 69(a), 70(1)(c), 73(b), 19(1) read with section 235A of Insolvency and Bankruptcy Code 2016.

The complaint is filed by Chief General Manager of Insolvency and Bankruptcy Board of India. Complaint is filed in such capacity as public servant in the discharge of his official duties. Therefore, there





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is no necessity to examine the complainant under Section 200 of Cr.P.C. Accordingly, acting under Section 200(a) of Cr.P.C., the examination of complainant is dispensed with.

On perusal of the complaint and material on record, I found that there are sufficient materials to issue process against the accused. Hence, I proceed to pass the following;

**ORDER**

Office is directed to register Special Criminal Case against accused No.1 to 5 for the offence under Sections 69(a), 70(1)(c), 73(b), 19(1) read with section 235A of Insolvency and Bankruptcy Code 2016.

Issue summons to accused No.1 to 5 by RPAD.

Returnable by 09.09.2019.

9/9-11/7/19  
Submitted:-

As per orders  
dt. 10/7/19, this  
case is registered  
as Sp1.CC. 783/19  
on 11/7/19.

10/7/19  
(B.B.Jakati)  
LIX ACC&SJ, BENGALURU.

Warrant of RPAD covered.  
Later furnished and.

8d

18/7/19

9-9-19

complaint



RPAD 884

RPAD A2- Wt the adu

A1 - - das located

A3 - - RPAD received

Spl. Ce: 783/10

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Note: Complaint at District only.

5 sets of Petition copies.

There has been delay with.

(5) Accused. Summons (RPAAD)

Petitioner Complaint has not filed.

5 sets of Annexures. copies

9/9/19 Late hand written & enclosed for arch

Received Annexures.

Advocate for Accused 3

Received Annexures

Advocate for Accused No. 4

Advocate for Accused Nos. 2 & 5  
Received copy  
Recd. P. Card for Spl. Ce  
9/9/19

Sri.DJA Advocate filed vakalath for accused No.2 and 5.

Sri.SV Advocate filed vakalath for accused No.3.

Sri.PPK Advocate filed vakalath for accused No.4.

Counsel for these accused filed applications under Section 205 of Cr.P.C.

This is warrant case. The presence of accused can not be dispensed with. Hence, applications filed under Section 205 of Cr.P.C. is rejected.

The copies of complaint and its annexures is furnished to the counsel appearing for accused No.2 to 5. Another set of copies returned to counsel for complainant.

For appearance of accused No.1 to 5 on 04.10.2019.

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