IN THE NATIONAL COMPANY LAW TRIBUNAL

ALLAHABAD BENCH, PRAYAGRAJ

IA NO.26 OF 2026 IN CP NO. 07/ALD/2026

(An application under 242(4) of the Companies Act, 2013 r/w Rule 11 of the NCLT Rules, 2016.)

IN THE MATTER OF:

Yudhveer Singh Solanki

S/o Mev Singh Solanki
R/o Near M.S. Public School,
Midhakur, Agra 283105.

….. Petitioner

Versus

1. **M/s Atul Krishna Preservation and Cold Storage Pvt. Ltd.**
Through its Managing Director
Reg. Office at; Atul Compound Shahadra, Nunhai, Agra 283106,
2. **Ram Saran Mittal**
S/o Basant Lal Mittal
3. **Sanjeev Mittal**
S/o Ram Saran Mittal
4. **Nikunj Mittal**
S/o Sanjeev Mittal
5. **Ashu Mittal**
S/o Sanjeev Mittal
6. **Harish Tyagi**
7. **Kailash Singh Solanki**
S/o Mev Singh Solanki

All Directors of M/s Atul Krishna Preservation and Cold Storage Pvt. Ltd.
Office At; Atul Compound Shahadra, Nunhai, Agra-283106

…Respondents

AND IN THE MATTER OF:

Yudhveer Singh Solanki

….. Petitioner

Versus

M/s Atul Krishna Preservation and Cold Storage Pvt. Ltd. & Ors.

….. Respondents

Order Pronounced on: 20.08.2026

***Coram*:**

Mr. Praveen Gupta	:	Member (Judicial)
Mr. Ashish Verma	:	Member (Technical)

***Appearances*:**

Sh. Rohan Gupta with Sh. Pranay Kumar, Adv.	:	For the Petitioner/ Applicant.
Ms. Amit Saxena, Sr. Adv. Assisted by Sh. Yash Tandon, Adv.	:	For the Respondent

ORDER

1. The present Interlocutory Application has been filed by Yudhveer Singh Solanki under Section 242(4) of the Companies Act, 2013 read with Rule 11 of the National Company Law Tribunal Rules, 2016, against M/s Atul Krishna Preservation and Cold Storage Private Limited (hereinafter referred to as the "Respondent Company") and others, seeking, inter alia, appointment of an Administrator to take charge of and oversee the affairs and functioning of the Respondent Company.

2. At the outset, it is clarified that the primary relief sought in the present Application with respect to the appointment of an

Administrator/Independent Observer already stands addressed, as Mr. Deependra Mohan has been appointed as the Administrator of the Respondent Company vide order dated 08.05.2026 passed by this Tribunal for a period of three months i.e., till 08.08.2026. However, we have observed that as on the passing of the present order the aforesaid tenure of the appointed Administrator has expired, the business operations of the Respondent Company are still ongoing, particularly in view of the seasonal nature of the potato crop stored in the cold storage and the ongoing process of its nikasi. Accordingly, keeping in view the continuance of such operations and in the interest of proper supervision of the business of the Respondent Company, the tenure of the Administrator is hereby extended for a further period of two months to oversee the operations of the Respondent Company.

3. Apart from the aforesaid extension, the issue that remains for consideration in the present order is with respect to the issue of appointment of an auditor for verification of the accounts of the Respondent Company, particularly in relation to the transactions undertaken by the parties and the amounts infused by them for running the Respondent Company.

4. As regards to which a report dated 08.08.2026 has been submitted by the administrator recommending for appointment of auditor to examine genuineness of these transactions, the said issue arose pursuant to the submissions advanced by the parties during the course of hearing held on 13.08.2026. In this regard, the relevant direction contained in the earlier order of this Tribunal is reproduced below:

> *"1)….*
> *(i) That in order to verify the accounting details, a statutory auditor may be appointed to look into the accounts, particularly with respect to the transactions made by the petitioner as well as by the respondents in the past and the amounts infused by them to run the company, having a cold storage. The term of reference of the auditor, as being pointed out by the Ld. Counsel representing the parties, may include carrying out audit of accounts from 1st January, 2026 till date."*

5. The necessity for the aforesaid exercise has arisen in the backdrop of the order dated 08.05.2026, whereby the Administrator was appointed to oversee the affairs of the Respondent Company, including the operation of the cold storage, management of the inflow and outflow of funds and collection of storage charges from the farmers. Under the said order, the parties were also directed to infuse funds in proportion to their respective shareholding for running the affairs of the Respondent Company. The relevant portion of the order dated 08.05.2026 is reproduced below:

> *"iii. The Administrator would also be responsible for collecting funds, which are to be made by infusion by all the respective parties*

as agreed to the extent of their respective shareholdings. At this point of time, however the specific terms/schedule of infusion of the funds by the respective parties are as under: -

To be infused by the Petitioner	***To be infused by the Respondent***
Rs.10 Lakh by 15.05.2026	*Rs.30.29 Lakh by 15.05.2026*
Rs.15 Lakh by 30.05.2026	*Rs.45.44 Lakh by 30.05.2026*
Rs.25 Lakh by 25.06.2026	*Rs.75.73 Lakh by 25.06.2026*

iv. In order to be fair and equitable to all the parties, it will be necessary to direct that the Administrator would only start operating the funds so received from the parties unless each of the parties has already remitted the amount, which was required to be paid in terms of the shareholding to the Administrator."

6. Subsequent to the aforesaid order, disputes arose with respect to the extent of funds actually infused by the parties. While it was not in dispute that certain amounts had been infused by both sides, a dispute arose as to whether the amounts claimed to have been spent by the Petitioner towards miscellaneous expenses and other operational requirements of the cold storage could be treated as part of the infusion required to be made by him. In particular, it was alleged that although the Petitioner had infused Rs.10 Lakhs and Rs.15 Lakhs in terms of the first two instalments stipulated in the aforesaid order, the further amount of Rs.25 Lakhs due on 25.06.2026 had not been deposited.

7. When the matter was taken up on 02.07.2026, this Tribunal, taking note of the rival submissions, considered it necessary to obtain clarification from the Administrator regarding the nature and source of the amounts allegedly spent by the Petitioner and whether the same could be adjusted against the amount required to be infused by him. The relevant observations contained in the order dated 02.07.2026 are reproduced below:

> *"4. Ld. Counsel representing the petitioner vehemently relies upon the amount of cash having been paid towards various miscellaneous expenses as enumerated in para no.3 of the report. Apart from this, the Ld. Counsel representing the petitioner also states that an amount of Rs.1,44,000/- has been paid on account of Ammonia Gas for the purpose of running the cold storage.*
>
> *5. Ld. Counsel representing the respondent however states that there cannot be any inference drawn that the amount, which is reflected by the Ld. Administrator in its report about the cash having been paid, is on account of the amount, which otherwise the petitioner was liable to pay. We therefore deem it appropriate to request to the Ld. Administrator to clarify within the shortest possible time as to the amount of the cash being paid under the miscellaneous head and the source of such amount, whether it could be attributed to the petitioner out of the required infusion of the funds to be made by him.*
>
> *6. It is also pointed out by the Ld. Counsel representing the respondent that in para no.5 of the report, there is also a mentioning of a cheque no.365869 for an amount of Rs.61,18,000/- issued in favour of Mr. Yudhveer Singh Solanki, who is the petitioner and there*

is a written memo of the Bank saying "advise not received" on 25.06.2026. The clarification may therefore also be furnished by the Ld. Administrator as to the cheque having been issued allegedly by Mr. Sanjeev Mittal on behalf of the respondent company in connection with what payment that is required to be made to Mr. Yudhveer Singh.

7. Let the clarification be furnished by the Ld. Administrator preferably within a period of one week by supplying the copies thereof to the Ld. Counsels representing both the parties."

8. Pursuant to the aforesaid direction, the Administrator submitted an interim report. However, upon consideration of the said report, this Tribunal found that the requisite particulars and supporting documents were not sufficiently available to conclusively determine the amounts actually infused or spent by the Petitioner. Accordingly, vide order dated 13.07.2026, this Tribunal, inter alia, observed as follows:

"2. In terms of the previous order dated 02.07.2026, we have passed a detailed order on some of the aspects including the amount which is required to be infused by both the parties, the amount which is alleged to have been spent by the petitioner on account of the cash payment of the miscellaneous expenses as already given by the Ld. Administrator in its report on the basis of the claim made by the petitioner and also to carry out the ascertainment with respect to actual amount, which is stated to have been spent by the petitioner. Now, the second report has been filed by the Ld. Administrator, where it has been pointed out that

certain amount has been paid by the petitioner, for which infact the documents as required have not however been completely furnished.

3. The Ld. Administrator in his report has stated that out of an amount of Rs.80.00 Lakhs, the details have been furnished only to the extent of an amount of Rs.62,42,919.00/-. It is also further stated by the Ld. Administrator in his report that the details provided are only for a total amount spent by the petitioner is to the extent of Rs.56,25,439/- but supporting evidence/ documents are not provided for the same.

4. It appears that the said finding of the Ld. Administrator is prima facie based upon the documents, which have been furnished by the petitioner and are yet to be conclusively proved. Since the Ld. Administrator has already clarified and narrowed down the scope of the claim, which has been claimed by the petitioner to the extent of the aforesaid amount of Rs.56,25,439/.

5. The Ld. Administrator is further requested to reaffirm the actual amount from the books of accounts/ the audit reports. The Ld. Administrator on the basis of the documents submitted has only stated that this amount of Rs.56,25,439/- is spent by the petitioner, however the same is yet to be affirmed/reconfirmed by the Ld. Administrator.

6. It is also further submitted that an amount of Rs.1,44,000/- was spent by him on Ammonia Gas and some amounts on diesel, which has not been accounted for in the books of accounts. The Ld. Counsel representing the respondents however points out that this according to his instructions would be an amount incurred by the *petitioner previously and may therefore not be part of the present ongoing transaction assessments.*

7. Let the Ld. Administrator also ascertain the amount spent by the petitioner on Ammonia Gas and submit his finding on the aforesaid amount as well."

9. Thus, despite the aforesaid directions and the reports submitted by the Administrator, the accounts and underlying transactions could not be conclusively verified so as to ascertain the actual amounts infused by the respective parties and the expenditure incurred towards the operation of the Respondent Company. The material placed before us also indicates that the claims of the parties require examination with reference to the books of account and supporting financial records of the Respondent Company rather than merely on the basis of the statements or documents furnished by either party.

10. When the matter was taken up on 13.08.2026, the aforesaid position was considered by this Tribunal and, upon hearing the parties, it was found necessary that an independent exercise be undertaken for verification of the accounts. Since the Administrator, despite having been directed to ascertain the relevant amounts, was not in a position to conclusively verify the same from the available records, we consider it appropriate, in the interest of a fair and transparent determination of the financial transactions of the Respondent Company, to appoint an auditor.

11. Accordingly, in exercise of the powers vested in this Tribunal, **Sudhindra Jain & Co., Chartered Accountant, having office at 113/7A Swaroop Nagar, Kanpur-208002, email id: sudhindra.jain@gmail.com and Phone no.: 9839032305,** is hereby appointed as the Auditor of the Respondent Company for the limited purpose of examining and verifying its accounts and financial transactions relating to funds infused for running of Cold Storage/Respondent Company as discussed in this order as well as discussed in the reports dated 10.06.2026 and 08.08.2026 of the administrator . The scope of the audit shall include, inter alia, verification of the transactions undertaken by the Petitioner and the Respondents, the amounts actually infused by each of them, the expenditure incurred towards the operation of the cold storage, and the corresponding entries in the books of account and supporting records of the Respondent Company, for the period from 01.01.2026 till date.

12. The fees and expenses of the Auditor shall be borne equally by the Petitioner and the Respondents which shall be worked out by mutual discussion of auditor with the Petitioner and the Respondents.

13. The fees as determined by mutual discussion as mentioned above, shall be paid by the Petitioner and the Respondents in equal proportion to auditor after submission of the audit report by the auditor.

14. The Auditor shall undertake the aforesaid exercise independently, on the basis of the books of account, bank statements, vouchers, invoices, receipts and other relevant financial records of the Respondent Company, as well as the documents furnished by the respective parties.

15. The Auditor shall specifically identify and report the amounts, if any, which are duly supported by the books and records of the Company and are attributable to the respective parties towards their agreed infusion or expenditure incurred for the affairs of the Respondent Company.

16. The Administrator and the respective parties shall extend full cooperation to the Auditor and furnish all books, records, documents and information as may be required for completion of the audit. The Auditor shall submit its report before this Tribunal within six weeks from the date on which the requisite records are made available.

17. It is clarified that the appointment of the Auditor is only for the purpose of independent verification of the accounts and transactions as aforesaid and shall not be construed as an adjudication by this Tribunal upon the competing claims of the parties. The rights and contentions of all parties in respect of the amounts claimed to have been infused or incurred are kept open and shall be considered, if necessary, upon receipt of the report of the Auditor.

18. With the aforesaid directions, the present Application i.e., IA 26 of 2026 is next listed for hearing along with the main matter on 09.09.2026.

-Sd-
(Ashish Verma)
Member (Technical)

-Sd-
(Praveen Gupta)
Member (Judicial)

Date: 20.08.2026