

TO,
THE MICRO SMALL AND MEDIUM ENTERPRISES,
FACILITATION COUNCIL UDYOG BHAWAN, SARVODAYA NAGAR,
G.T. ROAD, KANPUR.

M/S. BASANT ISPAT UDYOG (P) LTD.,
C-34, FOUNDRY NAGAR,
AGRA - 282 006.

M/S LIFETIME INTEREXPO (P) LTD.,
R-521 (1ST FLOOR), NEW RAJENDRA NAGAR,
NEW DELHI - 110060.

(PLAINTIFF)

(DEFENDENT)



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For Basant Ispat Udyog (P) Ltd.
Director

FOR M/S. BASANT ISPAT UDYOG (P) LTD.

(DIRECTOR)

①

समक्ष

उद्योग राज्य सूक्ष्म एवं लघु उद्यम सुकरता परिषद, कानपुर
उत्तम पिटीशन का रूप पत्र

सर्वपत्री Vinay Mittal (Director)

मेसर्स Basant Ispat Udyog Pvt. Ltd.

फोन/फैक्स एवं मोबाइल नं० 0562-3298271, 09837035036 वादी

सर्वपत्री Mr. Sangeev Kumar

मेसर्स Life time Interexpo (P) Ltd. Office at R-521 (2nd Floor), New Rajendra Nagar, New Delhi - 110050

फोन/फैक्स एवं मोबाइल नं० 011-42411488, 09811154913 प्रतिवादी

नं० Vinay Mittal आयु 48 वर्ष पुत्र श्री R. P. Mittal

निवासी 62-C, Nehru Nagar, Agra (U.P.)

मेसर्स Basant Ispat Udyog Pvt. Ltd.

पता C-34, Foundry Nagar, Agra - 282006 (U.P.) (वादी इकाई)

जो एक सूक्ष्म/लघु उद्यम है, जिनका मैं स्वामी/भागीदार/अध्यक्ष/राजिव हूँ, जो इस को पिटीशन प्रस्तुत करने हेतु अधिकृत है तथा मैं वादी उद्यम की ओर से निम्न क्लेम पिटीशन स-सम्मान प्रस्तुत करता हूँ:-

सूक्ष्म, लघु एवं मध्यम उद्यम विकास अधिनियम संख्या-27/2006
धारा-18 के अन्तर्गत

क्रमांक-1	पिटीशन को उद्यम उद्योग का अधिकृत आने-जाने के	DELAYED PAYMENT
क्रमांक-2	सूक्ष्म/लघु उद्यम पीजीवा संख्या/पंजीकरण-पार्ट-2 के संख्या व वैधता अंकित करने तथा प्रति सतर्क करे।	09/05/11/00884 डा. 30/04/2008 ANNEXURE - A
क्रमांक-3	जम्मा देयों के गुणान हेतु प्रेषित नोटिस व अनुस्मारक के दिशा में सतर्क करे।	ANNEXURE E&F
क्रमांक-4	जल्द ही जा राह रहे-वर्ष के अन्त में सुझाव विवरण तैयार कर के जिन-सुझावों के अन्त में यह कार्य कर से सम्बंधित कर प्रस्तुत किया जाये। साथ ही यह कार्य प्रस्तुत किया जाय कि इस के किसी व्यापारिक-कार्य में कोई प्रकरण विचारधीन नहीं है। शेष पत्र व सम्पूर्ण सतर्क नोटिसों की प्रमाणित कर प्रस्तुत करे।	AFFIDAVIT
क्रमांक-5	आपूर्ति आदेश संख्या व दिनांक अंकित करे तथा प्रति सतर्क करे। साथ ही नया पर मुकाम की शर्त आदेश के अन्तर्गत हो।	VERBAL ORDER



For Basant Ispat Udyog (P) Ltd.
[Signature]
Director

क्रमांक:2/-

<p>1) मूल्य का भुगतान लक्षित होने की तथ्या में अनुमति की गयी सम्पत्ति का दिनांक</p> <p>2) नाम</p> <p>3) आपूर्ति की दिनांक</p> <p>4) विवेका द्वारा निर्गत गारंटी की रसीद (प्रति चालान करें)</p>	<p>DIESEL ENGINE</p> <p>208</p> <p>6/01/2012 ANNEXURE - 'B'</p> <p>ANNEXURE - 'C'</p>
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प्रस्ताव 7	<p>द्वय भुगतान में विलम्ब एवं विलम्बित अवधि पर अधिव्ययों के अनुसार देय ब्याज का ब्यौटा - आपूर्ति आदेश-वाच (Supply order-wise)</p>				
आपूर्ति आदेश सं. व दिनांक	प्राप्त भुगतान का विवरण			प्राप्त भुगतान में विलम्ब की अवधि पर अनुमन्त्र ब्याज AS PER ACT दि. 6/01/2012 से 23/07/2012 तक	
	घनराशि	तिथि	विलम्ब की अवधि	ब्याज दर	घनराशि
	1	2	3	4	5
VERBAL ORDER	<p>Rs. 30,36,000</p> <p>Rs. 16,50,000</p> <p>Rs. 13,86,000</p>	6/01/2012	<p>195 DAYS</p> <p>6 MONTHS</p> <p>15 DAYS</p>	27%	Rs. 3,00,481.97

अवधि 1	अवधि 2	अवधि 3	अवधि 4	अवधि 5	अवधि 6
विवरण	विलम्ब की अवधि	ब्याज का प्रतिशत	कुल देय घनराशि (6+0)	कुल लक्षित घनराशि (मूल घन + ब्याज) (7+10)	
अवधि 1	A	H	10	11	
Rs. 13,86,000.00	195	27%	Rs. 3,00,481.97	Rs. 17,95,860.00	
Rs. 4,09,860.00			Rs. 55,170.12	Rs. 3,55,652.09	
Rs. 17,95,860.00			Rs. 3,55,652.09	Rs. 21,51,512.09	

Annex Form

प्रस्ताव 8	<p>बलेम पिटीशन का विधिक शुल्क रु 2000/- गणद अशवा बैंक ड्राफ्ट के माध्यम से जो देयरमेंट, 50 प्रो राज्या सूक्ष्म एवं लघु उद्यम सुकरता परिषद कानपुर के प्ल में देय हो।</p>	<p>1-रसीद संख्या..... दिनांक.....</p> <p>अथवा</p> <p>2-ड्राफ्ट सं. 329561 दिनांक 05/07/2012</p>
प्रस्ताव 9	<p>अज्ञात हेतु प्रति आदेश सहित प्राचीन है कि कृपया अपने Rs. 21,51,512.09 व्ययों का भुगतान करने का कार्य कराये।</p>	



प्रस्तुतकर्ता का पूरा नाम/पद तथा हस्ताक्षर सील (मुहर) सहित

For Basant Ispat Udyog (P) Ltd,

[Signature]
Director

भारतीय गैर न्यायिक

दस
रुपये

TEN
RUPEES

नं 10

Rs.10



INDIA NON JUDICIAL



4883 769785

BEFORE THE U. P. STATE MICRO & SMALL FACILITATION COUNCIL, KANPUR

IFC No _____ of 2012

Basant Ispat Udyog Pvt Ltd., having office at C-34, Foundry Nagar, Agra through its director
Shri Vinay Mittal S/o Shri R. P. Mittal

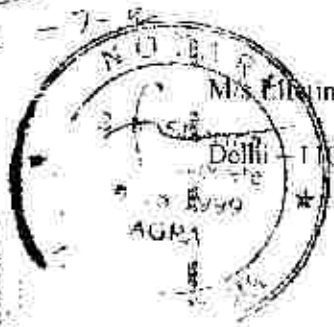
Claimant

Versus

M/s Effatime Interexpo (P) Ltd., having office at R-521 (1st Floor), New Rajendra Nagar, New

Delli - 110060

Opp. Party



Affidavit of Shri Vinay Mittal S/o Shri R. P. Mittal, R/o 62 C Nehru Nagar, Agra

Aged about 48 years.

For Basant Ispat Udyog (P) Ltd.

(DEPONENT)

Director

[Handwritten signature]

The deponent above named solemnly affirms & states on oath as under:

1. That the deponent is the director of the claimant, which is a private limited company duly incorporated under the Companies Act 1956 and is registered with the Director of Industries, Agra as a Micro enterprise under the provisions of MSMED Act and is allotted entrepreneur no. 09/015/11/00884 dated 30/04/2008 and the said registration is valid as on date. The photocopy of the registration certificate is ANNEXURE - A
2. That against the verbal order of the opp. party the claimant supplied 168 nos. 8HP vertical water cooled engines and 40 nos. of 10 HP vertical water cooled diesel engines, total 208 nos., through sale invoice no. 01 dated 06/01/2012 for Rs. 30,36,000/- (thirty lacs thirty six thousand only). The photocopy of the invoice is ANNEXURE - B
3. That the opp. party has purchased the above engines for export to Egypt therefore at their instructions the entire quantity of goods were loaded in two containers arranged by them. The photocopy of the certified documents of the Customs & Central Excise Department are ANNEXURE C.

ATTESTED

For Basant Ispat Udyog (P) Ltd,

[Signature]
 Director

S. N. SINGH
 Notary Public, Agra
 Reg. No. 27 of 1999

- 4. That as per the agreed terms of supply the opp. party was to make the payment of goods so supplied by the claimant within 7 days from the date of supply and further to furnish for exemption of Trade Tax 'Form II'.
- 5. That as per the agreed terms the opp. party neither made payment of goods supplied nor provided Trade Tax 'Form II' and it was after much persuasion, request and reminders, the opp. party remitted Rs. 4,00,000/- through RTGS on 29/02.2012 and Rs. 12,50,000/- by bank draft on 18/05/2012 leaving a balance of Rs. 13,86,000/-. The copy ledger account of the opp. party in the books of the claimant is ANNEXURE D.
- 6. That the claimant therefore served a legal notice of demand dated 29/06/2012 on the opp. party through Sri Ram Narain Agarwal, Advocate calling upon to pay the balance of the principal amount of goods supplied with interest as per the provisions of MSMED Act till the date of actual payment and also to provide the relevant 'Form H' within 7 days of receipt of the said notice, but the opp. party failed to comply with the same. The photocopy of the said notice and postal receipt is ANNEXURE - E & F.

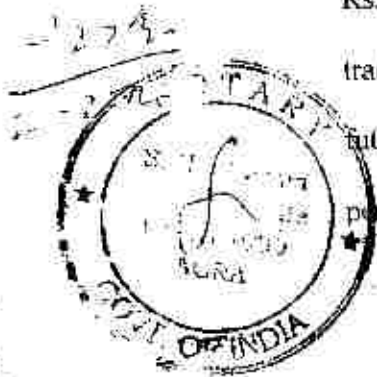
For Basant Ispat Udyog (P) Ltd,

[Signature]
Director

ATTESTED

S No. 3
A-10/17, Ganga G. of, Agra
2012-13-1999

7. That the claimant is thus entitled to the balance principal amount of Rs. 13,86,000/- with interest as per the MSMED Act from 22/01/2012, the date after 15 days from date of supply, till the date of actual payment. The amount of principal and interest till the date of this petition comes to Rs. 16,86,481.97. The calculation chart is ANNEXURE - G.
8. That since the opp. party has failed to provide requisite 'Form H' due to which the claimant will have to pay the trade tax of Rs. 4,09,860/- therefore the claimant is entitled to the said amount with compound interest thereon @ 18% p.a. till the date of actual payment. The said amount with interest till the date of petition works out to Rs. 4,65,030.12/- and the claimant accordingly claims the same from the opp. party. The copy of the calculation chart is ANNEXURE - H
9. That the claimant is entitled to and claims total amount of Rs. 21,51,512.09/- towards the balance price of goods supplied and trade tax with interest till the date of filing of petition alongwith future and pendente lite interest calculated at the rate and manner as per the MSMED Act till the date of actual payment.



for Basant Ispat Udyog (P) Ltd,

[Signature]
Director

ATTESTED

[Signature]
S. M. Sharma
Director, Ministry of Industry, Government of India

10. That the cause of action for filing the petition arose on 18/05.2012, when the last payment was received by the claimant and arose again on 29/06/2012 when the notice of demand was issued to the O.P.s at Agra, where the supplier firm, i.e. the claimant, is located and also where money was paid and is payable and this Hon'ble Council has jurisdiction to entertain this claim petition.

11. That the present claim is the first petition filed by the Claimant and no other claim, suit or petition is pending in any Court or Tribunal.

12. That the requisite fees of Rs 2,000/- is being paid through Demand Draft no. 329561 dated 05/07/2012 drawn on State Bank of India, favouring the Chairman U.P. State Micro & Small Enterprises Facilitation Council, Kanpur.

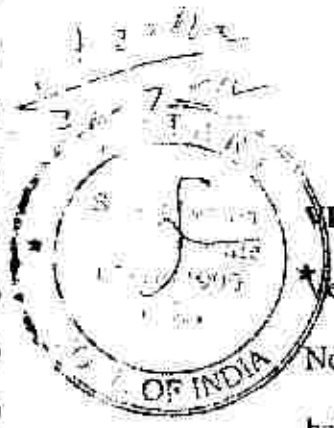
ATTESTED

S. N. Sharma
 Notary/Gazetted Officer, Agra
 Reg. No.09 (18) 1999

VERIFICATION:

Verified that the contents of para 1 to 12 are true to personal knowledge. No part of it is false and nothing material has been concealed therein. So help me God.

Signed and verified at Agra on 23/07/2012



Udyog (P) Ltd,

[Signature]
 Director

[Handwritten notes and signature]
 DEPONENT
 NOTARY