

Magha Pincrop
Anubhav Gupta

CS/No. 44421/18

From
THE Ld 6th METROPOLITAN MAGISTRATES COURT, KOLKATA

To
THE o/c Concerned p.s for Compliance

Date 27/6/18

You are hereby directed to return ~~executed~~ / unexecuted the
warrant of arrest against Anubhav Gupta. Ho. D.N. Gupta.

8- Lower Bazar Moti Nagar Gaziabad.

up. 201204

issued by this Court and forwarded to

1 year / also - L-1, 170-171
Villa ANANDAN

for execution on the

Earlier

201

and to return the same by the

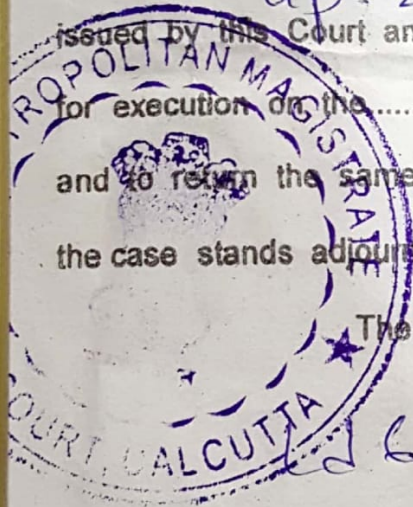
at once

to which date

the case stands adjourned.

Next date - 13/11/18

The accused has since surrendered/Bail out discharged.



Sd/- S. Das
Metropolitan Magistrate, Kolkata

Metropolitan Magistrate
6th Court, Calcutta

Modinagar Paper Mills Ltd.

Manufacturers of Quality Kraft Paper

No. MPL/.....

Dated.....

18-19/AG/19

Magma Fincorp Ltd
24, Park Street
7th Floor Magma House
Kolkatta West Bengal 700016

June 17, 2018

K.A: Mr. Alope Chakraborty

Dear Sir,

Re: Proposal Number PG/0031/P/14/000408 and PG/0031/P/15/000396 & Subsequent court Case # CS?44421/18 and CS/44411/18

We wish to bring to your kind notice that we had above mentioned loan from your esteemed NBFC. Due to some problems with Kotak Mahindra Bank Ltd. (Our principal financier) our account was blocked and you presented cheques to the same account. Our submission for the same is:

1. Cheque # 003461 for Rs. 220661 and Cheque # 001727 for Rs. 257016 were issued as undated security cheques as listed also in your disbursement document.
2. You have presented the cheques to our account without notice to us.
3. Cheques were not honoured by our bank stating "ACCOUNT BLOCKED" which is a technical reason and not intentional reason.
4. The payment against Cheque # 001727 for Rs. 257016 have been made already as below:
 - a) Rs. 128662 vide NEFT from State Bank of India dated 07-03-2018
 - b) Rs. 128662 vide NEFT from Kotak Mahindra Bank Ltd. dated 21-03-2018
5. The balance in the loan also has been paid off as below:
 - a) Rs. 540000 vide RTGS from Kotak Mahindra Bank Ltd. dated 15-05-2018
 - b) Rs. 500000 vide RTGS from Kotak Mahindra Bank Ltd. Dated 16-05-2018
6. The payment against Cheque # 003461 from Rs. 220661 also has been paid already as below:
 - a) Rs. 110474 vide NEFT from State Bank of India dated 07-03-2018
 - b) Rs. 110474 vide NEFT from Kotak Mahindra Bank Ltd. dated 27-03-2018




- c) Rs. 110474 vide NEFT from Kotak Mahindra Bank Ltd dated 25-04-2018
- d) Rs. 110474 vide NEFT from Kotak Mahindra Bank Ltd. dated 29-05-2018
- e) Rs. 100000 vide NEFT from Kotak Mahindra Bank Ltd. dated 12-06-2018
- 7. With above payment the presented cheques have already been satisfied and there was no need to file a case in month of May 2018 while the payments had already been made till April 2018.

We request you as below:

1. Kindly confirm the receipt of the payments.
2. Kindly withdraw the court cases as filed by you bearing reference numbers stated above.
3. Kindly also send back the dis-honored instruments for our records.

Hope to get a positive response from your end.

Yours Truly,


Dr. Anubhav Gupta
(Director)



Magma Fincorp Limited
Regd. Office
Magma House
24 Park Street, Kolkata 700 016
Tel : 91 33 4401 7350 / 7200
Fax : 91 33 4401 7313
CIN : L51504WB1978PLC031813
Web : www.magma.co.in



NDC/P/17/00000009036 NDC Date 22/06/2018 Issuance Date 22/06/2018

MODINAGAR PAPER MILLS LTD
ASHA RAM TYAGI ROAD MODINAGAR
MODINAGAR

Due Certificate

/Madam,

to confirm that the loan of Rs. 35,09,981.00 given vide agreement details mentioned below has
fully repaid by you.

er Name : MODINAGAR PAPER MILLS LTD
s : MAJOR ASHA RAM TYAGI ROAD MODINAGAR
CITY - MODINAGAR
PIN - 201204
ment No. : YO/G/0031/14/000391
al No. : PG/0031/P/14/000408

been a pleasure to serve you as a MAGMA FINCORP LIMITED customer. We hope you shall look
d to us for your future financial needs.

faithfully,

MAGMA FINCORP LIMITED

orised Signatory

statement as on 18-JUN-18 for the Proposal No PG0031/P/15/000396

Scanned by CamScanner

Transaction No	Transaction Date	Instrument No	Debit Amount	Receipt Amount	Running Balance	Overdue Days	OD INTT. (C/M) @ (3 %)	Transaction
JIRSG-0031/1115/00003060	07/02/2018	0	110474.00		220661.00			Installment(14)
BRCBSG-0011/0216/000038908	07/02/2018	0		110474.00	110187.00			Receipt
BCBSG-0011/0216/00006161	08/02/2018	0	110474.00		220661.00	8	1941.30	BOUNCE
BRCBSG-0011/0216/00006465	15/02/2018	181		110474.00	110187.00			Receipt
BCBSG-0011/0216/00015319	23/02/2018	181	110474.00		220661.00	4	970.65	BOUNCE
BRCBSG-0011/0216/000086675	19/02/2018	179		110474.00	110187.00			Receipt
BCBSG-0011/0216/00015318	23/02/2018	179	110474.00		220661.00	16	3882.60	BOUNCE
JIRSG-0031/1115/00003061	07/03/2018		110474.00		331135.00			Installment(15)
BRCBSG-0011/0316/000040140	07/03/2018	0		110474.00	220661.00			Receipt
BRCBSG-0001/0316/00008062	08/03/2018	7802		110474.00	110187.00			Receipt
BCBSG-0011/0316/00008323	08/03/2018	0	110474.00		220661.00	20	4989.14	BOUNCE
BRCBSG-0011/0316/000034704	28/03/2018	9897		110474.00	110187.00	11	1528.82	Receipt
JIRSG-0031/1115/00003062	07/04/2018		110474.00		220661.00			Installment(16)
BRCBSG-0011/0417/000042631	07/04/2018	0		110474.00	110187.00			Receipt
BCBSG-0011/0417/00008094	09/04/2018	0	110474.00		220661.00	18	4607.55	BOUNCE
BRCBSG-0001/0417/00026904	25/04/2018	3386		110474.00	110187.00	12	1746.01	Receipt
JIRSG-0031/1115/00003063	07/05/2018		110474.00		220661.00			Installment(17)
BRCBSG-0011/0517/000038265	07/05/2018	0		110474.00	110187.00			Receipt
BCBSG-0011/0517/000111150	08/05/2018	0	110474.00		220661.00	22	5771.23	BOUNCE
BRCBSG-0001/0517/000038433	29/05/2018	1409		110474.00	110187.00	9	1366.69	Receipt
JIRSG-0031/1115/00003064	07/06/2018		110474.00		220661.00			Installment(18)
BRCBSG-0011/0617/00045363	07/06/2018	0		110474.00	110187.00			Receipt
BCBSG-0011/0617/00008803	07/06/2018	0	110474.00		220661.00	5	1347.33	BOUNCE
BRCBSG-0001/0617/00015746	13/06/2018	6629		100000.00	120661.00	7	1186.27	Receipt
					120661.00			Interest
Total Amount			3866590.00	3745929.00		315	53217.24	

Average Overdue Days = 32.08 days as on Run Date.

due Days = 59 days as on Run Date.

Overdue & Average Overdue are calculated instalment-wise, whereas Overdue Days are calculated on the basis of running balance.

Average Overdue are calculated on the basis of last 12 Instalment (Max).

Average Overdue Interest calculation is net of Overdue Interest collection / waiver Rs. 1878.

BRCSG-0001/0116/00019709 24/01/2018 456 110474.00 110187.00 14 1769.49 Receipt

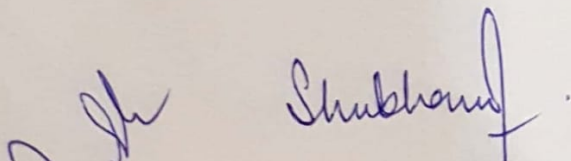
STATEMENT UNDER CASE # CS/44421/18

On Behalf of Modinagar Paper Mills Ltd. our submission is as below:

1. We issued cheque # 003461 drawn on Kotak Mahindra Bank Ltd. for Rs. 220661/- as a SECURITY cheque which has been presented without notice to us.
2. The complainant agrees that the cheque was not honoured for the reason "Account Blocked", which is a technical reason and is not covered under Section 138 NI Act.
3. Please find attached the statement of account issued by the complainant which does not speak of the cheque presented and returned any where.
4. Even then the EMIs which have been missed due to Account blocked have been paid as:
 - a) Rs. 110474 vide NEFT from State Bank of India dated 07-03-2018
 - b) Rs. 110474 vide NEFT from Kotak Mahindra Bank Ltd. dated 27-03-2018
 - c) Rs. 110474 vide NEFT from Kotak Mahindra Bank Ltd dated 25-04-2018
 - d) Rs. 110474 vide NEFT from Kotak Mahindra Bank Ltd. dated 29-05-2018
 - e) Rs. 100000 vide NEFT from Kotak Mahindra Bank Ltd. dated 12-06-2018
5. Since we have already made the payments after our account was opened we don't find any reason for going for a legal trial.

Our Request:

1. Medical Certificate of Mrs. Shubhangi Gupta is enclosed herewith and subsequent authority letter by her to Anubhav Gupta to attend the proceedings on her behalf.
2. Authority letter to Anubhav Gupta from Mr. Vikas Gupta to represent on his behalf is enclosed.

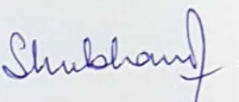
 Shubhangi

3. Since Mrs. Kaushal Gupta is no more the Director of company nor the signatory in bank mandates, nor she has signed the said cheque may please be exempted from the proceedings.
4. As the payments have already been made before filing the suit we request to kindly dispose the case as we assure that the payments are being made in continuity now.

For Modinagar Paper Mills Ltd.


Directors

We request Honorable court to kindly allow one of our directors Mr. Anubhav Gupta to represent the case on our behalf.


Shubhangi Gupta
Vikas Gupta

West Bengal No. 3502
High Court Criminal Form No. (P) I

MAGMA PAPER LIMITED
-vs-
MODINAGAR PAPER MILLS LTD & OTHERS

CASE No. CB/44411/18

N.D. 27-Jun-18

SUMMONS TO AN ACCUSED PERSON
(No. I, Schedule V, Act, 1893)
(Section 68 of the Code of Criminal Procedure)

TO,

3. VIKAS GUPTA, S/O:- ONKAR NATH GUPTA, AUTHORIZED
SIGNATORY/DIRECTOR OF MODINAGAR PAPER MILLS LIMITED, MAJOR ASHA RAM
TYAGI ROAD, MODINAGAR, GHAZIABAD, UTTAR PRADESH, PIN:- 201204

Whereas your attendance is necessary to answer to a

Charge of: 138/141 N. I. Act, 1881(as amended till date)

State:

The

Offence

Charge

*As such you are required to appear in person/by reader

Case Before the Id. 6TH M.M. at Kolkata

may be On the 27-Jun-18 at ten O' clock

In the forenoon. Herein after fail not.

Given under my hand and the seal of the Court this
18TH DAY OF MAY, 2018

Magistrate

Metropolitan Magistrate
6th Court, Calcutta



West Bengal No. 3502
High Court Criminal Form No. (P) I

NAGRA FINCORP LIMITED
-vs-
**MODINAGAR PAPER MILLS LIMITED &
OTHERS**

CASE No. CS/44421/18

N.D. 27-Jun-18

EDWARDS TO AN ACCUSED PERSON
(No. I, Schedule V, Act, 1893)
(Section 68 of the Code of Criminal Procedure)

To,

4. SHUBHANGI GUPTA, W/O:- ANUBHAV GUPTA, DIRECTOR OF MODINAGAR
PAPER MILLS LIMITED, LOWER BAZAR, MODI NAGAR, GHAZIABAD, UTTAR
PRADESH, PIN:- 201204

Whereas your attendance is necessary to answer the

Charge of: 138/141 N. I. Act, 1881 (as amended till date)

State:

The

Offence

Charge

*As such you are required to appear in person/by pleader

Case Before the Id. **6TH M.M.** at Kolkata

may be On the 27-Jun-18 at ten O' Clock

In the forenoon. Herein after fail not.

Given under my hand and the seal of the Court this

18TH DAY OF MAY, 2018



Magistrate
Metropolitan Magistrate
6th Court, Calcutta

COMPLAINT CASE NO.

P.S. - SHAKESPEARE SARANI.

No - CS/44421/18

MAGMA FINCORP LIMITED having
its office at "Magma House",
24, Park Street, Kolkata-700016
being represented by its
authorised representative **AJOKE**
CHAKRABORTY

..... Complainant

- Versus -

1. MODINAGAR PAPER MILLS LIMITED,
LOWER BAZAR, MODI NAGAR,
GHAZIABAD, UTTAR PRADESH, PIN:-
201204

2. ANUBHAV GUPTA, S/O:- ONKAR
NATH GUPTA, AUTHORISED SIGNATORY/
DIRECTOR OF MODINAGAR PAPER MILLS
LIMITED, LOWER BAZAR, MODI NAGAR,
GHAZIABAD, UTTAR PRADESH, PIN:-
201204

AND ALSO AT

ANUBHAV GUPTA, S/O:- ONKAR NATH
GUPTA, AUTHORISED SIGNATORY/
DIRECTOR OF MODINAGAR PAPER MILLS
LIMITED, I - 1, PLOT NO.- 170,
171, VILLA ANANDAM, NH - 58,
MEERUT ROAD, GHAZIABAD, UTTAR
PRADESH, PIN:- 201002

3. VIKAS GUPTA, S/O:- ONKAR NATH
GUPTA, AUTHORISED SIGNATORY/
DIRECTOR OF MODINAGAR PAPER MILLS
LIMITED, LOWER BAZAR, MODI NAGAR,
GHAZIABAD, UTTAR PRADESH, PIN:-
201204

AND ALSO AT

VIKAS GUPTA, S/O:- ONKAR NATH
GUPTA, AUTHORISED
SIGNATORY/DIRECTOR OF MODINAGAR
PAPER MILLS LIMITED, KARE KRISHNA
MENSIONS, HEERA ENCLAVE, BEHIND
SURYA FARMS, MODINAGAR,
GHAZIABAD, UTTAR PRADESH, PIN:-
201002

4. SHUBHANGI GUPTA, W/O:- ANUBHAV
GUPTA, DIRECTOR OF MODINAGAR

PAPER MILLS LIMITED, LOWER BAZAR,
MODI NAGAR, GHAZIABAD, UTTAR
PRADESH, PIN:- 201204

AND ALSO AT

SHUBHANGI GUPTA, W/O:- ANUBHAV
GUPTA, DIRECTOR OF MODINAGAR
PAPER MILLS LIMITED, I - 1, PLOT
NO.- 170, 171, VILLA ANANDAM, NH
- 58, MEERUT ROAD, GHAZIABAD,
UTTAR PRADESH, PIN:- 201002

.....Accused

CHARGE UNDER SECTION 138/141 OF NEGOTIABLE INSTRUMENTS ACT, 1881 AS AMENDED BY THE
BANKING PUBLIC FINANCIAL INSTITUTION AND NEGOTIABLE INSTRUMENTS LAWS (AMENDMENT)
ACT, 1988 AS AMENDED BY THE NEGOTIABLE INSTRUMENTS (AMENDMENT & MISCELLANEOUS
PROVISIONS) ACT 2002 AS AMENDED BY THE NEGOTIABLE INSTRUMENTS (AMENDMENT) ACT 2015.

The humble petition of complaint of
the Complainant named above most
respectfully

S H E W E T H :-

1. That the complainant is a company within the meaning of The
Companies Act, 1956 and at all material times was engaged in
business of financing. The complainant is being represented by its
authorized representative of M/s. MAGMA FINCORP LIMITED having its
registered office at 'Magma House' 24, Park Street, Kolkata - 700
016 and is competent to file and proceed with this complaint before
this Id. Court by virtue of a authority given to him by the Board
of Directors of the complainant at their meeting held on
21ST DAY OF MAY, 2015. Photostat copies of the extract from the
minutes of the proceeding of the meeting of the Board of Directors
of the company held on **21ST DAY OF MAY, 2015** are annexed hereto.

2. That the complainant is one of the largest non-banking financial
company in India and for all purposes is engaged in the business of
providing finance facility to its customers and has coined a
substantial reputation and goodwill in the market.

3. That the accused no.1 is a company [herein after referred to as the
"accused no.1"] within the meaning of the Companies Act, 1956
having its office and/or place of business at the address(es) as
mentioned hereinabove in the cause title. Accused no. 2 and 3 are
directors and the authorised signatory w/areas accused nos. 2, 3
and 4 are the directors of the accused no.1. The accused nos. 2, 3
and 4 are jointly as well as severally in charge of and/or
responsible to the accused no.1 for its day to day business and
they also enjoyed the overall control over the regular affairs of
the said company during the material times and all of them jointly
and/or severally made the transactions with the complainant
representing the accused no.1.

That the accused towards full and/or part relinquishment of his legal debt and/or liabilities in existence issued and made over to the complainant, inter alia, the following cheque :-

Cheque No	Date	Drawn On	Amount Rs.
003461	07-Mar-18	KOTAK MAHINDRA BANK, PLOT NO.- 179, MANGAL PANDEY NAGAR, SCHEME NO.- 1, MEERUT - 250004, UTTAR PRADESH	220661.00

Total-Rs. 220661.00

5. That the complainant placed the said cheque for encashment through its banker, namely, **AXIS BANK LTD, SHAKESPEARE SARANI, KOLKATA - 700071** within its validity period on **08-Mar-18**. But to the utter shock and surprise of the complainant, the said cheque was/were returned dishonoured by the drawee bank with the remark "**ACCOUNT BLOCKED**" vide respective cheque return memo/s dated **12-Mar-18** received by the complainant from its banker. Photostat copies of the banking and bounce related documents are annexed hereto.

6. That on receipt of the information of dishonour of the said cheque, the complainant issued and sent a demand notice dated **26-Mar-18** which was duly posted on **27-Mar-18** at the addresses of the accused by speed post with acknowledgement due, in terms of section 138(b) of the Negotiable Instrument Act, 1881 as amended upto date and called upon the accused person to pay the said sum of within a period of 15 (fifteen) days from the date of receipt of the said notice.

7. That the acknowledgement card of the demand notice addressed to the accused has not returned back to the complainant till date. The complainant states that the said registered envelope containing the demand notice was properly addressed, prepaid and posted by registered post, hence it shall be deemed that the aforesaid registered Notice was duly served upon the accused person and the service of the same shall be deemed to be effected at the time at which the notice would be delivered in the ordinary course of post. The complainant states that inspite of the service of demand notice and expiry of the stipulated period of 15 days the accused person has failed and neglected to make payment of the sum covered by the said cheque. Photostat copies of the said Demand Notice and the postal documents are enclosed herewith.

8. That the complainant respectfully submits that the said cheque was issued by the accused person/s on an account maintained by him/her/them with a banker in discharge of his existing debt or liability towards the complainant. The complainant alleges and/or apprehends and/or states respectfully that the said cheque/s is/are returned by the bank unpaid as there was insufficient funds in the bank account of the accused wherefrom the accused had issued the said cheque and inspite of due service of demand notice and expiry of stipulated period of 15 days the accused have failed and neglected to make payment of the sum covered by the aforesaid cheque.

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9. That it is crystal clear that even after the due receipt of the demand notice, the accused did neither comply with the notice nor did pay the said amount as demanded by the said notice even till date and thereby has invited the penal mischief of section 138/141 of the Negotiable Instruments Act.

10. That the accused has committed offence punishable under section 138/141 of the Negotiable Instruments Act, 1881 as amended upto date.

11. That the complainant states that no other complaint under the Negotiable Instruments Act has been filed in any other court in respect of the same transaction by the complainant.

12. That this petition of complaint is being filed within one month from the date when the cause of action arose in the case within the jurisdiction of this Id. Court.

In the circumstances it is humbly prayed that Your Honour would be graciously pleased to take cognizance of the offence under Section 138/141 of Negotiable Instrument Act, 1881 as amended upto date against the accused, be further pleased to issue process against the accused upon their appearance try and convict them in accordance with law and pass such further order or orders as this Id. Court may deem fit and proper, in the interest of justice.

And for this act of kindness your petitioner as in duty bound shall ever pray.

LIST OF WITNESSES:

1. Authorized representative of the Complainant Company.
2. Others.

DOCUMENTS FILED ON:

1. Dishonoured cheque/s
2. Pay in Slip, Bank Return memo/s
3. Copy of the Demand Notice
4. Copy of the Postal documents
5. Other documents.

Filed by

Advocate