



MDP & PARTNERS

ADVOCATES & SOLICITORS

NISHIT DHRUVA

ZULFIQAR JARIWALA

MALAV VIRANI

KHUSHBU CHHAJED

ASHOK PARANJPE

PRAKASH SHINDE

TUSHAR KADAM

LAVIN HIRANI

Head Office

MDP House

19, Bank Street Cross Lane, Fort, Mumbai 400 001

E: mumbai@mdppartners.com T (Mum): +91 22668 68900

F: +91 22668 68989 W: www.mdppartners.co.in

Bandra Office

MDP & PARTNERS

303, Kanhaiya Building, Lingking Road

Bandra West, Mumbai - 400 050 T : + 022-65010827

BEFORE THE HON'BLE NATIONAL COMPANY LAW TRIBUNAL

MUMBAI BENCH – III

INTERLOCUTORY APPLICATION NO. _____ OF 2023

IN

COMPANY PETITION (IB) NO. 1604 OF 2017

Mr. Pranav Damania

Liquidator of The Mobile Store Services Limited

...Applicant

IN THE MATTER OF:

Drive India Enterprises Solutions Limited

...Operational Creditor

versus

The Mobile Store Services Limited

...Corporate Debtor

To,

The Registrar,

National Company Law Tribunal,

Mumbai Bench

Dear Sir/ Ma'am,

We are concerned on behalf of our client, Mr. Pranav Damania, the Applicant/Liquidator of the Corporate Debtor in the captioned matter.

BE PLEASED to file and take on record the Interlocutory Application filed in the above-named matter on behalf of the Applicant.

Dated this 22nd day of February, 2023

Kind regards,

For MDP & Partners

Advocates for Applicant

**BEFORE THE HON'BLE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH – III**

INTERLOCUTORY APPLICATION NO. _____ OF 2023

IN

COMPANY PETITION NO. 1604 OF 2017

(Application filed under Section 60(5) of the Insolvency & Bankruptcy Code, 2016)

Mr. Pranav Damania

Liquidator of The Mobile Store Services Limited

...Applicant

IN THE MATTER OF:

Drive India Enterprises Solutions Limited

...Operational Creditor

versus

The Mobile Store Services Limited

...Corporate Debtor

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**For MDP & Partners
Advocates for the Applicant**



bharatkosh.gov.in
Government of India Receipt Portal

RECEIPT

Transaction Ref.No. 2302230014159 Dated: Feb 23 2023 1:16PM

Received from MR. PRANAV DAMANIA with Transaction Ref.No. 2302230014159

Dated Feb 23 2023 1:16PM the sum of INR 1000 (One Thousand Only) through Internet based Online payment in the account of

FILING FEE(MUMBAI), Interlocutory Application u/s 60(5) - Pranav Damania.

Disclaimer:- This is a system generated electronic receipt, hence no physical signature is required for the purpose of authentication

Printed On: 23-02-2023 01:17:02

Courtesy :- Controller General of Accounts

A

**BEFORE THE HON'BLE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH – III**

INTERLOCUTORY APPLICATION NO. _____ OF 2023

IN

COMPANY PETITION NO. 1604 OF 2017

(Application filed under Section 60(5) of the Insolvency & Bankruptcy Code, 2016)

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IN THE MATTER OF:

Drive India Enterprises Solutions Limited

...Operational Creditor

versus

The Mobile Store Services Limited

...Corporate Debtor

MEMORANDUM OF PARTIES

Pranav Damania

Liquidator of The Mobile Store Services Limited

407, Sanjar Enclave above Mahindra Showroom,

Opp. Milap Cinema, S.V. Road,

Kandivali (W), Mumbai – 400 067

...Applicant

IN THE MATTER OF:

Drive India Enterprises Solutions Limited

...Operational Creditor

versus

The Mobile Store Services Limited

...Corporate Debtor



For MDP & Partners

Advocates for the Applicant

BEFORE THE HON'BLE NATIONAL COMPANY LAW TRIBUNAL

MUMBAI BENCH – III

INTERLOCUTORY APPLICATION NO. _____ OF 2023

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Mr. Pranav Damania

Liquidator of The Mobile Store Services Limited

...Applicant

IN THE MATTER OF:

Drive India Enterprises Solutions Limited

...Operational Creditor

versus

The Mobile Store Services Limited

...Corporate Debtor

SYNOPSIS

The present Application is being filed under Section 60(5) of the Insolvency and Bankruptcy Code, 2016 to seek directions from the Hon'ble National Company Law Tribunal, Mumbai to take on record the re-constituted Stakeholders Consultation Committee ("SCC") of the Corporate Debtor as on 13th January, 2023.



For MDP & Partners

Advocates for the Applicant

BEFORE THE HON'BLE NATIONAL COMPANY LAW TRIBUNAL

MUMBAI BENCH – III

INTERLOCUTORY APPLICATION NO. _____ OF 2023

IN

COMPANY PETITION NO. 1604 OF 2017

(Application filed under Section 60(5) of the Insolvency & Bankruptcy Code, 2016)

Mr. Pranav Damania

Liquidator of The Mobile Store Services Limited

...Applicant

IN THE MATTER OF:

Drive India Enterprises Solutions Limited

...Operational Creditor

versus

The Mobile Store Services Limited

...Corporate Debtor

LIST OF DATES AND EVENTS

Sr. No.	Date	Particulars	Annexure
1.	01.10.2019	The Hon'ble National Company Law Tribunal, Mumbai vide its order in MA 934 of 2019 in C.P (IB) 1604 of 2017 liquidated the Corporate Debtor and appointed a Liquidator.	-
2.	23.01.2020	List of Stakeholders filed with this Hon'ble Tribunal as per Regulation 31(2) of the Insolvency and Bankruptcy Board of India (Liquidation Process Regulations).	A
3.	13.01.2023	Order passed by this Hon'ble Tribunal allowing and disposing I.A No. 1953 of 2020 for modifying list of stakeholders in compliance with Regulation 31(2) of the Liquidation Process Regulations.	B

4.	13.01.2023	Order passed by this Hon'ble Tribunal allowing I.A No. 3731 of 2022 for condonation of delay in filing claim before the Liquidator, filed by an Operational Creditor i.e. Ingram Micro India Private Limited	B
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**For MDP & Partners
Advocates for the Applicant**

**BEFORE THE HON'BLE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH – III**

INTERLOCUTORY APPLICATION NO. _____ OF 2023

IN

COMPANY PETITION (IB) NO. 1604/MB/2017

Mr. Pranav Damania

Liquidator of The Mobile Store Services Ltd

... Applicant

IN THE MATTER OF:

Drive India Enterprise Solutions Limited

...Operational Creditor

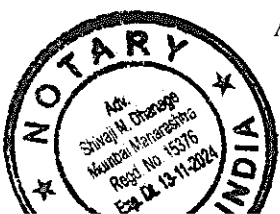
Versus

The Mobile Store Services Limited

...Corporate Debtor

**INTERLOCUTORY APPLICATION FILED UNDER SECTION 60(5) OF
THE INSOLVENCY AND BANKRUPTCY CODE, 2016**

1. The present Interlocutory Application has been filed under Section 60(5) of the Insolvency and Bankruptcy Code, 2016 ("IBC"), before this Hon'ble National Company Law Tribunal ("**Hon'ble Tribunal**") by the Applicant above-named in the capacity of the Liquidator of the Corporate Debtor, to take on record the re-constituted Stakeholders Consultation Committee ("SCC") of the Corporate Debtor as on 13th January, 2023.
2. The Applicant submits that the Hon'ble Tribunal passed an order of liquidation dated 1st October 2019 against the Corporate Debtor and *inter alia* appointed the Applicant herein as the Liquidator. The Applicant further submits that the last date



The Mobile Store Services Limited

M

Pranav Damania
Liquidator

for submission of claims before the Applicant (in the Liquidation Process) was on 14th December, 2019.

3. The Applicant states that in compliance with Regulation 31(2) of the Insolvency and Bankruptcy Board of India (Liquidation Process Regulations), the Applicant filed the List of Stakeholders with this Hon'ble Tribunal on 23rd January, 2020, a copy whereof is annexed hereto and marked as "Exhibit – A".
4. The Applicant submits that the existing list of SCC as on 13th January, 2020, was as follows:

Existing List of Stakeholders filed as on 13 th January, 2020			
Sr. No.	Name of Creditors	Amount Claimed (in Rs.)	Amount Admitted (in Rs.)
1.	Drive India Enterprises Solution Pvt. Ltd.	6,50,26,151	6,50,26,151
2.	Amtas Retail LLP	17,68,069	17,68,069
3.	UCO Bank	9,38,04,000	9,38,04,000
4.	The Jammu & Kashmir Bank Ltd.	23,89,55,371	23,89,55,371
5.	Maharashtra VAT Department, Mumbai, Govt. of Maharashtra	10,52,28,462	10,52,28,462
TOTAL		50,47,82,053	50,47,82,053

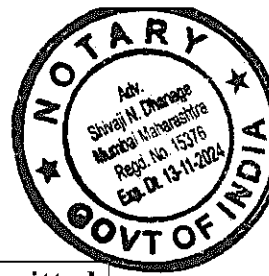
5. Subsequently, the Applicant submits that the following claims belatedly from three Financial Creditors, the details of which are stated as below:

...ne Mobile Store Services Limited




Pranav D. Jania
Liquidator





Date of receipt of claim	Name of Financial Creditor	Amount Claimed (in Rs.)	Amount Admitted (in Rs.)
04.02.2020	Axis Bank	2,31,697,254	2,31,697,254
09.03.2020	State Bank of India	17,84,68,167	17,84,68,167
10.04.2020	Punjab National Bank	34,91,96,555	34,68,69,236
TOTAL		75,93,61,976	75,70,34,657

6. Since the above stakeholders were the largest Financial Creditors of the Corporate Debtor and were also the members of the CoC of the Corporate Debtor prior to its liquidation accounting for 68.07% of the total financial debt of the Corporate Debtor, I was of the opinion that their claim ought to be considered. Therefore, the Applicant filed the Interlocutory Application No. 1953 of 2020 for inclusion of the above three stakeholders in the list of Financial Creditors.
7. Pursuant thereto, the Applicant filed Interlocutory Application No. 1953 of 2020 (*"said IA"*) to place on record the modified list of stakeholders in compliance with Regulation 31(2) of the Liquidation Process Regulations. The said IA was heard, allowed and disposed of by this Hon'ble Tribunal vide order dated 13th January, 2023. Hereto annexed and marked as **"Exhibit – B"** is a copy of the order passed by this Hon'ble Tribunal dated 13th January, 2023.
8. It is further submitted that the Applicant received another claim filed by an Operational Creditor i.e. Ingram Micro India Private Limited on 12th August 2022. Since the claim was received belatedly, the Applicant vide email dated 25th August, 2022 asked the creditor to obtain appropriate direction/approval from the Adjudicating Authority. Pursuant to which, the creditor filed an interlocutory


Pranav D. Desai
Liquidator

Application No. 3731 of 2022 for condonation of delay of 605 days in filing claim before the Liquidator. The said IA was allowed by this Hon'ble Tribunal vide the above-mentioned order dated 13th January, 2023.

9. In view of the same, under the given facts and circumstances, the Applicant vide this present application seeks to place on record the reconstitution of the Stakeholders' Consultation Committee (SCC) of the Corporate Debtor as follows:

Updated List of Stakeholders as on 13 th January, 2023			
Sr. No.	Name of Creditors	Amount Claimed (in Rs.)	Amount Admitted (in Rs.)
1.	Drive India Enterprises Solution Pvt. Ltd.	6,50,26,151	6,50,26,151
2.	Amtas Retail LLP	17,68,069	17,68,069
3.	UCO Bank	9,38,04,000	9,38,04,000
4.	The Jammu & Kashmir Bank Ltd.	23,89,55,371	23,89,55,371
5.	Maharashtra VAT Department, Mumbai, Govt. of Maharashtra	10,52,28,462	10,52,28,462
6.	Axis Bank	2,31,697,254	2,31,697,254
7.	State Bank of India	17,84,68,167	17,84,68,167
8.	Punjab National Bank	34,91,96,555	34,68,69,236
9.	Ingram Micro India Pvt. Ltd.	9,58,66,808	9,43,86,032
TOTAL		136,00,10,837	135,62,02,742



the Mobile Store Services Limited

Me
Liquidator

10. Therefore, in light of the above submissions, the Applicant humbly prays as under:

- a. That this Hon'ble Tribunal may be pleased to allow the present Interlocutory Application;
- b. That this Hon'ble Tribunal may be pleased to take on record the reconstituted stakeholders' as on 13th January, 2023.
- c. Pass such orders as may be necessary under the given facts and circumstances as this Hon'ble Tribunal deems fit.

Dated this 22nd day of February, 2023 at Mumbai


For MDP & Partners



Advocates for the Applicant

Mr. Pranav Damania

of the Mobile Store Services Limited



Pranav Damania
Liquidator

Applicant

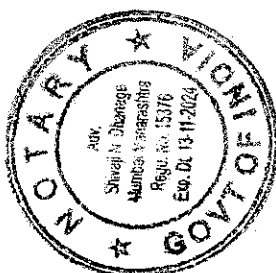


EXHIBIT - A

Annexure-A




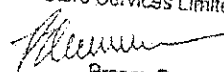
The Mobile Store Services Limited
Registered Office: Equinox Business Park, Building-B, 1st Floor, Old Swan Mills Compound,
L.B.S. Marg, Kurla West, Mumbai - 400070 India

Detail List Of Creditors As On January 13, 2020					
Sr. No	Name of Creditors (c)	Address	Amount admitted (In Rupees.) (a)	Debts or due Secured/ Unsecured, if applicable (In Rupees) (b)	Proof of claims submitted (d)
1	Drive India Enterprises Solution Pvt. Ltd.	Registered Add- 58, Eldams Road, Teynampet, Chennai-600018 Administrative Add- 7, Kamla executive park, Off- Andheri Kurla Road, Andheri East, Mumbai - 400059	6,50,63,797	Unsecured	Invoice
2	Amtas Retail LLP	C-155 Basement, Lajpath Nagar-II, New Delhi-110024.	27,434	Unsecured	Invoice
3	Uco Bank	Flagship Corporate Branch, Mafatlal Centre, 1st floor, Nariman Point, Mumbai- 400021.	9,38,04,900	Secured	Loan documentation
4	Jammu & Kashmir Bank	Zonal Office, National Business Centre, 1st Floor, Bandra Kurla Complex, Bandra E, Mumbai- 400051.	23,89,55,371	Secured	Loan documentation
5	Maharashtra VAT Department, Mumbai, Government of Maharashtra	Department of State Tax, Surban GST Bhavan, Nodal-13, A-7, 1st floor, BKC Bandra E, Mumbai - 400051	10,52,28,462	Unsecured	Assessment Order along with Demand Notice for Financial -2014-15
	TOTAL		50,30,79,064		

The Mobile Store Services Limited

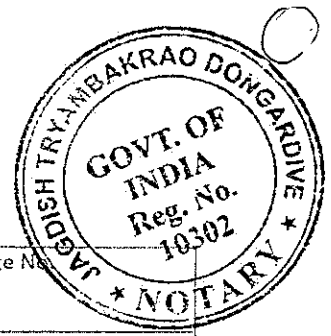
The Mobile Store Services Limited


Pranav Damania
Liquidator


Pranav Damania
Liquidator

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MDP & PARTNERS
Advocates & Solicitors

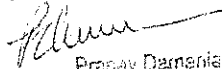
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Sr. No.	Name of the Creditors applied for the claims	Exhibit	Page No.
1.	Drive India Enterprises Solution Pvt. Ltd.	Form C	1-3
2.	Amtas Retail LLP	Form C	4-10
3.	Uco Bank	Form D	11-16
4.	Jammu & Kashmir Bank	Form D	17-20
5.	Maharashtra VAT Department, Mumbai, Government of Maharashtra	Form B	21

The Mobile Store Services Limited


Pranav Damania
Liquidator

The Mobile Store Services Limited


Pranav Damania
Liquidator

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Advocates & Solicitors



NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH
COURT III

23. I.A. 140/2023
I.A. 3731/2022
I.A. 3713/2022
I.A. 2866/2022
I.A. 1711/2022
I.A. 2902/2021
I.A. 1953/2020
M.A. 3224/2019
M.A. 2630/2019

IN

C.P.(IB)-1604(MB)/2017

CORAM: SHRI. H.V.SUBBA RAO, MEMBER (J)
MS. MADHU SINHA, MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON **13.01.2023**

NAME OF THE PARTIES: Drive India Enterprise Solution Ltd.

V/s.

The Mobile Store Services Ltd

SECTION 9 OF INSOLVENCY AND BANKRUPTCY CODE, 2016

ORDER

Mr. Astha Ojha a/w Adv Meghna Arvind i/b MDP & Partners, counsel appearing for the Liquidator along with Liquidator Mr. Pranav Damania, Mr. Shavez Mukri i/b. A&G Legal Associates LLP, counsel appearing for the Applicant in I.A.1711/2022, Mr. Nishant Vyas, counsel appearing for the Respondent No. 2 in M.A. 3224/2019 Adv Gitika Makhija a/w Anjali Dhoot i/b Rajani Associates, appearing for the Respondent No. 7 in M.A. 3224/2019, Adv Deep Roy and Adv Disha Mohanty, appearing for the Applicant in M.A. 2630/2019 for Respondent No. 2 are present through virtual hearing.

I.A.140/2023

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The above Interlocutory Application is filed by the Applicant/Liquidator for taking the 13th Progress Report on record.

Accordingly, the above Interlocutory Application is **allowed** by taking the 13th Progress Report on record.

I.A. 3713/2022

The above Interlocutory Application is filed by the Applicant/Liquidator for taking the 12th Progress Report on record.

Accordingly, the above Interlocutory Application is **allowed** by taking the 12th Progress Report on record.

I.A.2866/2022

The above Interlocutory Application is filed by the Applicant/Liquidator for taking the 11th Progress Report on record.

Accordingly, the above Interlocutory Application is **allowed** by taking the 11th Progress Report on record.

I.A. 1953/2020

The above Interlocutory Application is filed by the Applicant/Liquidator for taking the modification of the list of stakeholders on record.

Accordingly, the above Interlocutory Application is **allowed** by taking the modification of the list of stakeholders on record.

I.A. 3731/2022

The above Interlocutory Application is filed by the Applicant seeking following reliefs:-

- a. *The Hon'ble NCLT condones the delay of 605 days in lodging the proof of Claim before the Respondent/Liquidator.*

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- b. *The Hon'ble NCLT sets aside the Order of rejection of the Claim, communicated by email dated 25th August 2022 by the Respondent/Liquidator of the Mobilestore Services Limited*
- c. *To direct the Respondent/Liquidator to consider the claim of the Applicant submitted to him on in form C on 12th August 2022 along with supporting documents and treat the Applicant on par with other Operational Creditors as per section 53(1)(e) of the IBC Code, and pass such Order or Orders as may be deemed fit and thus render justice.*
- d. *For such other reliefs as the facts and circumstances may require*

After hearing both sides, the above Interlocutory Application is allowed directing the liquidator to decide the claim of the applicant independently.

I.A. 2902/2021

The above Interlocutory Application is filed by Applicant /Liquidator under section 60 (5) of the Insolvency & Bankruptcy Code, 2016 read with Regulation 44 (2) and 47 A of the Insolvency & Bankruptcy Board of India (Liquidation Process) Regulations, 2016 for exclusion of 13 days (01.12.2021-14.12.2021) and further prayed for extension of time 6 months from **14.12.2022.**

The applicants submits that as and by way of this application, the applicant is seeking exclusion of the period of lockdown under Regulation 47A of the Liquidation Regulations, which was inserted vide Notification No. IBBI/2020-21/GN/REG060, dated 20th April, 2020 (w.e.f. 17.04.2020), and which

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Advocates & Solicitors



provides for excluding the Covid-19 Lockdown period from the computation of the time-line of any task that could not be completed in relation to the liquidation process. Regulation 47 A of the Liquidation Regulations is as under:

“47A. Exclusion of period of lockdown.

Subject to the provisions of the Code, the period of lockdown imposed by the Central Government in the wake of Covid-19 outbreak shall not be counted for the purposes of computation of the time-line for any task that could not be completed Due to paucity of time, the matter could not be heard. List this matter on such lockdown, in relation to any liquidation process”

After hearing the submissions of the counsel appearing for the Applicant/Liquidator, this bench feels that this is a fit case for allowing the above application. Accordingly, the above Interlocutory Application is **allowed** in terms of prayer clauses ‘a’, ‘b’ and ‘c’ excluding the period of 183 days from **01.04.2021 to 30.09.2021.**

It is hereby clarified that the Liquidator shall make all efforts to complete the Liquidation Process within the excluded time.

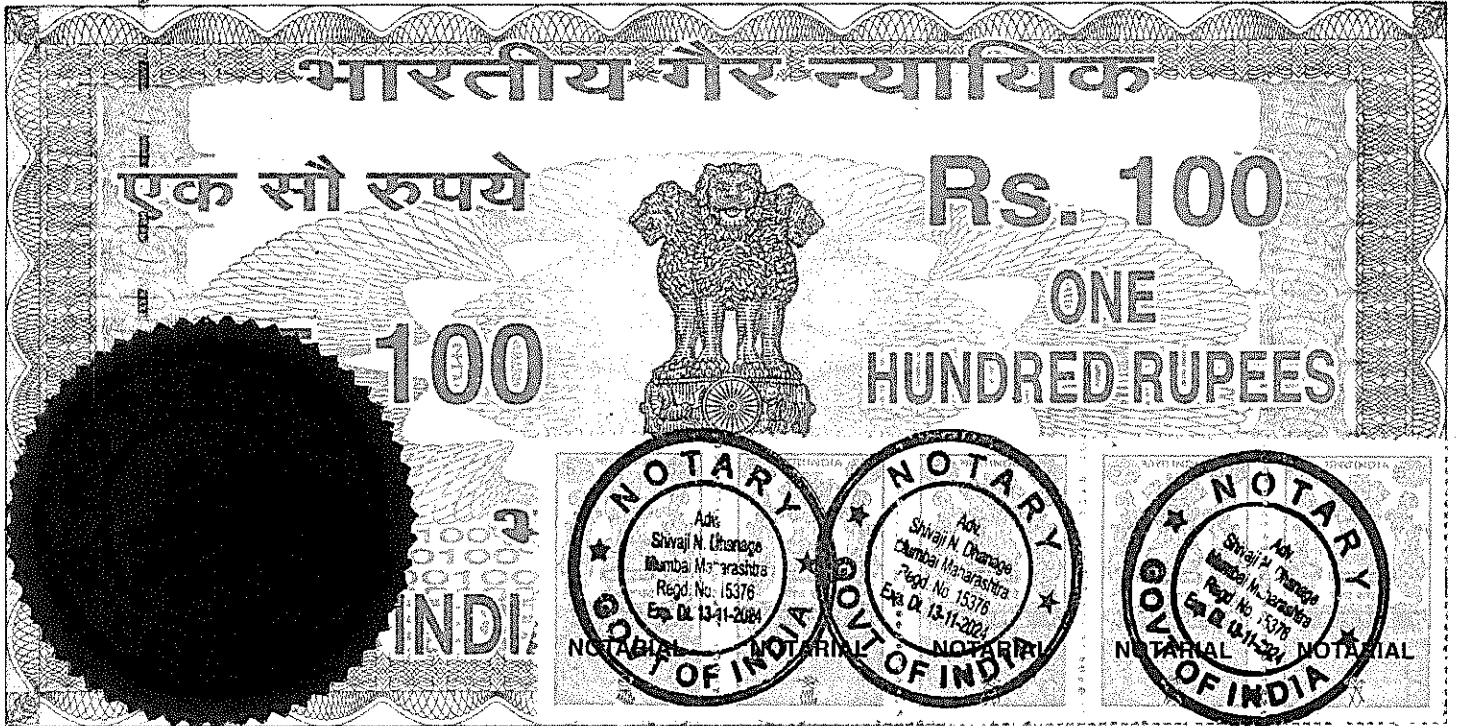
List all other pending applications on **07.03.2023.**

Sd/-
MADHU SINHA
Member (Technical)
//SKS//

Sd/-
H.V.SUBBA RAO
Member (Judicial)

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MDP & PARTNERS

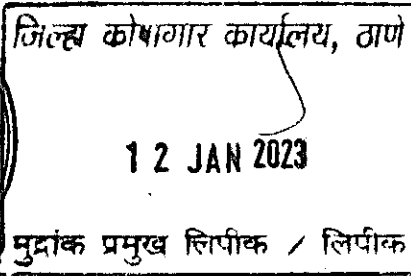
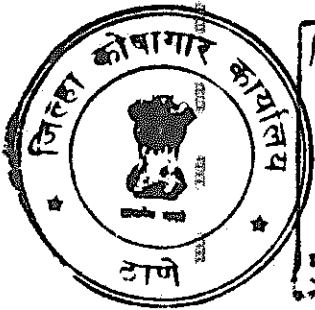
Advocates & Solicitors



महाराष्ट्र MAHARASHTRA

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38AA 732051



BEFORE THE HON'BLE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH – III
INTERLOCUTORY APPLICATION NO. _____ OF 2023
IN
COMPANY PETITION (IB) NO. 1604 OF 2017

Pranav Damania

Liquidator of The Mobile Store Services Limited

407, Sanjar Enclave above Mahindra Showroom,

Opp. Milap Cinema, S.V. Road,

Kandivali (W), Mumbai – 400 067

The Mobile Store Services Limited

Pranav Damania
...Applicant Liquidator



IN THE MATTER OF:

Drive India Enterprises Solutions Limited

...Operational Creditor

versus

The Mobile Store Services Limited

...Corporate Debtor

AFFIDAVIT IN SUPPORT OF THE INTERLOCUTORY APPLICATION

I, Pranav Damania, Liquidator of The Mobile Store Services Limited ("Corporate Debtor") above-named having my address at 407, Sanjar Enclave above Mahindra Showroom, Opp. Milap Cinema, S.V. Road, Kandivali (W), Mumbai – 400 067 do hereby affirm and state as under:

1. I say that I as such am fully aware of the facts and circumstances of the case and am fully capable of filing this Application and making this affidavit verifying the contents therein. I say that I have made this application seeking the relief set out in detail thereunder.
2. I say that the contents of the accompanying Application are true and correct to the best of my knowledge and belief based on the documents provided/available with me.
3. In light of the averments made in the application, I humbly pray that the Application be allowed.

Solemnly affirmed at Mumbai)

Dated this 22nd day of February, 2023)

The Mobile Store Services Limited

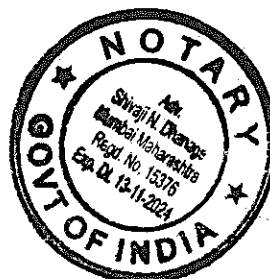
Pranav Damania
Pranav Damania
Liquidator

The Mobile Store Services Limited

Pranav Damania
Pranav Damania
Liquidator

Liquidator/Applicant

For The Mobile Store Services Limited

Before Me
BEFORE ME

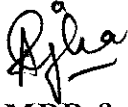
Dhangre
Adv. Shivaji N. Dhangre
Notary Govt. of India
Regd. No. 15376 MUMBAI (MS)
404, 405, 4th Floor, Dagar House,
197/199, Near Central Camera Bldg.,
D.N. Road, Fort, Mumbai-400001.

We are not members of Advocate's Welfare Fund. Thus, Rs.2/- stamp is not affixed herewith.

NOTED & REGISTERED
Page No. 100 Sr. No. 587
Dated 22 FEB 2023

For MDP & Partners

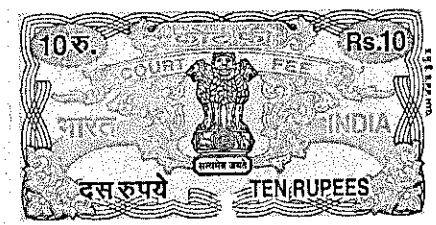
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For MDP & Partners

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MUMBAI BENCH – III
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Pranav Damania
Liquidator of The Mobile Store Services Limited
407, Sanjar Enclave above Mahindra Showroom,
Opp. Milap Cinema, S.V. Road,
Kandivali (W), Mumbai – 400 067



...Applicant

IN THE MATTER OF:

Drive India Enterprises Solutions Limited

...Operational Creditor

Versus

The Mobile Store Services Limited

...Corporate Debtor

VAKALATNAMA

To,
The Registrar,
National Company Law Tribunal,
Mumbai Bench.

Dear Sir,

I, **Pranav Damania**, Liquidator of The Mobile Store Services Limited ("Corporate Debtor") above-named do hereby appoint M/s. **MDP & Partners**, Advocates to act, appear and plead on our behalf in the above-mentioned Interlocutory Application.

The Mobile Store Services Limited



Pranav Damania
Liquidator

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH – III
INTERLOCUTORY APPLICATION NO. _____ OF 2023
IN
COMPANY PETITION NO. 1604 OF 2017

Mr. Pranav Damania

Liquidator of The Mobile

Store Services Limited

...Applicant

IN THE MATTER OF:

Drive India Enterprises Solutions Limited

...Operational Creditor

versus

The Mobile Store Services Limited

...Corporate Debtor

INTERLOCUTORY APPLICATION FILED U/S
60(5) OF IBC

Dated this 22nd day of February, 2023

MDP & Partners

Advocates for the Applicant

MDP House,

19, Bank Street Cross Lane,

Fort, Mumbai -- 400001

Tel: +91 22 66 868900

Email: nclt@mdppartners.com