

[Respected Lawyers If you are not clear about anything Please let me know in your answers and I will update the relevant information here]

1. [Case Reference](#) - NCLT Mumbai Case - CP 4108/2018 Mirco vs Cosmos
2. [Click here](#) to see all the interim orders by NCLT available with us in chronologically ascending order. You may find some of them uploaded some of them not uploaded to website.
3. Today we feel that the order dated [11.03.2019](#) was not intentionally uploaded to NCLT website as well as why an **unsigned copy** of the same **11.03.2019 order** was handed over to us. Our advocate says he was unaware about this.
4. If you read the **unsigned** final judgment which the IRP of the CP emailed us ([Click here](#)) and compare it with 11.03.2019 order ([Click here](#)) by tribunal it simply ignores its own directions given to FC (Financial creditor) through this order.

In **point no. 2 of final judgement** it says
...Applicant Bank, who is duly authorised to do the same vide authorisation dated 16.07.2018.

In the interim order dated 11.03.2019 it says ...

As per the law laid down by Hon'ble NCLAT in case of Palogix vs ICICI Bank (Company Appeal (AT) (Insolvency) No. 30 of 2017), there should be specific authorisation for initiation of CIRP.

Petitioner has filed this petition by office notification passed by the Managing Director, but there is no specific authorisation.

Petitioner is directed to file specific authorisation for initiation of CIRP within seven days from today.

And note this 11.03.2019 is not uploaded online till today 06.10.2019 nor signed copy given to us which we have found out after receiving the unsigned judgement.

5. Now since 11.03.2019 signed order copy is nowhere they can easily modify and simply say List on 10.04.2019 and **modify the interim order to suit the outcome.**
6. IRP has already started acting on directions she got through an **unsigned order** from BIJISH BALAN over email from registrar-mum@nclt.gov.in
7. WE CD demanded a signed order from her, she says sign on order is not necessary since she has received from official communication channel.
8. **IRP has affixed unsigned notices as well as not for sale notices on companies main gate** as well as office doors on 05.10.2019.
9. Now we feel that illegal execution of an unsigned order has started what remedy we have.

10. NCLAT is on holiday

11. Regarding unsigned order I wish to bring to your notice following judgement **Misra Singh vs State Of Punjab And Others on 10 January, 2013** which says,

"3.Judgment to be signed.- The judgment shall be dated and signed by the Judge in open Court at the time of

pronouncing it and, when once signed, shall not afterwards be altered or added to, save as provided by section 152 or on review."

In view of the above unambiguous provisions of law and applying the same analogy to the facts of the case in hand, this Court is of the considered opinion that at the most, the impugned order could be termed only as a draft order. It was liable to be changed unless and until signed by the competent authority. Till the draft order is signed by the competent authority, it cannot be said to be an order, in the true sense of the word. Thus, answer to the second question has to be an emphatic yes and it is held that the impugned removal order, being admittedly an unsigned order, was no order in the eyes of law.

12. Can we file a writ at Mumbai HC to stay this and enquire in this whole business? If answer is yes please suggest a good lawyer for this also.

13. Shall we lodge FIR against IRP for illegal execution.

14. Anything else you think right please suggest.

[PS: - If you want to review more issues about this case see the old draft I posted by [clicking here](#)]