

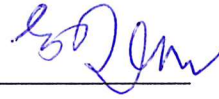
**NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH**

PRESENT: HON'BLE SHRI BIKKI RAVEENDRA BABU – MEMBER JUDICIAL

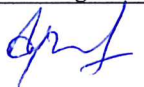


**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING HELD ON 31.08.2018 AT 10.30
AM**

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	IA No. 353,354&355/2018 in CP No. 184/241/HDB/2017
NAME OF THE COMPANY	Prudential Sugar Corporation Ltd
NAME OF THE PETITIONER(S)	Chadalavada Krishna Murthy & Others
NAME OF THE RESPONDENT(S)	Prudential Sugar Corporation Ltd & Vinod Kumar Baid
UNDER SECTION	241

Counsel for Petitioner(s):

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature
Chadalavada Krishna Murthy & Others	Advocate	9849463726 chadalavada.krishnamurthy@prudential.com	

Counsel for Respondent(s):

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature
APURVA M. GOKHALE	Counsel for R-1	9989688000	
V. ANEESH for RANA CHANDRA RAO GURRAM (FOR R-12)	Adv	9849463726 litigation.hydr@tatradg.com	
Dishit . Bhattacharjee	Counsel for R 3,7,10,14	9949956611	

IA No.353, 354 & 355/2018 in
CP No.184/241/HDB/2017

ORDER

Learned counsel Mr.Ch.Ramesh Babu present for Petitioner. Learned counsel Mr.Apurva M.Gokhale present for R1. Learned counsel Mr.V.Aneesh present for R13. Learned counsel Mr.Dishit Bhattacharjee present for R3, R7, R10 & R14.

Learned counsel appearing for the Petitioner sought permission to withdraw the Application in IA 353/2018 with liberty to file fresh Petition.

Permission granted.

Application in IA 353/2018 is disposed of as withdrawn.

Respondent filed counter in IA 354/2018.

Heard learned counsel appearing for Applicant in IA 354/2018 and learned counsel appearing for contesting Respondents.

Original Petitioner filed IA 354/2018 seeking leave to receive rejoinder. This application is necessitated because of the order dated 26.03.2018 wherein it is treated that Petitioner has no rejoinder to file rejoinder on the ground that Petitioner failed to file rejoinder as directed on 07.03.2018.

The main objection raised by the Respondent in the counter filed in IA 354/2018 is that it is a belated application and the rejoinder filed is relating to the interim counter filed in the main petition but not to the counter in the main petition. It is stated that, the interim counter filed in the main petition has not been received by this Tribunal.

The perusal of the counter in the main counter disclose that contents of the interim counter are there in the main counter also.

The fact remain that original Petitioner/Applicant in IA 354/2018 has not filed rejoinder in the main petition.

The reason stated in the Application for non-filing of the rejoinder within the given time is that earlier counsel on record could not seek time to file counter. It is represented that on 26.03.2018 the new counsel that appeared for the Petitioner made a request seeking time to file rejoinder but the tribunal did not grant time since there is conditional order and treated that Petitioner has no rejoinder to file.

The perusal of the counter filed in this application in IA 354/2018 disclose no tenable ground not to consider the request made in this application. Moreover prejudice would cause to the Petitioner if rejoinder is not received. The order receiving the rejoinder cannot be treated as

review of the order since it is procedural in nature as it is not going to affect the vested right or existing right of the Respondent. However, Respondent in the application can also seek leave of the tribunal to file sur rejoinder if so advised.

IA 354/2018 is allowed accordingly.

Rejoinder received in the main petition.

Respondent in the main petition shall file sur rejoinder if any within two weeks serving copy in advance to the Petitioner and file proof of service.

Applicant served copy of application in IA 355/2018 to the Respondents today.

Respondents shall file counter in IA 355/2018 within two weeks serving copy in advance to the petitioner and file proof of service.

List the matter on 17.09.2018.


MEMBER JUDICIAL 31.8.18