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NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH

PRESENT: HON'BLE SHRI RATAKONDA MURAL – MEMBER JUDICIAL


ATTENDANCE-CUM-ORDER SHEET OF THE HEARING HELD ON 20.09.2018 AT 10.30
AM

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	IA NO. 176/2018 in CP No. 303/241/HDB/2017
NAME OF THE COMPANY	Kinnera Cold Storage Pvt Ltd
NAME OF THE PETITIONER(S)	Chekuri Sekhar & Anothers
NAME OF THE RESPONDENT(S)	Kinnera Cold Storage Pvt Ltd & (11) Others Respondents
UNDER SECTION	241

Counsel for Petitioner(s):

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature
L. VENKATESH NARAYAN	Advocate	lvlawyer@gmail.com	
		93485 99999	

Counsel for Respondent(s):

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature
Nareth Kumar Sengam	Advocate	9000666072	

ORDER

Orders passed vide separate orders.


Member (J)

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**IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH, HYDERABAD**

IA No.176/2018
IN
CP No. 303/241/HDB/2017
U/s.241 & 244 of the Companies Act, 2013

In the matter of Kinnera Cold Storage Private Limited

1. Mr. Chekuri Sekhar, Director,
R/o. S.S. Towers, Plot No.501,
V.D.Os Colony, Khammam town
and District, Telangana.
2. Mrs. Chekuri Sujatha, Director,
R/o. S.S. Towers, Plot No.501,
V.D.Os Colony, Khammam town
and District, Telangana.

... PETITIONERS

AND

1. Kinnera Cold Storage Private Limited,
registered office at
Door No.2-3-138, S.B. Enclave,
3rd Floor, Gandhi Chowk,
Khammam-507 003,
Telangana.
2. Mr. Chekuri Sridhar, Managing Director,
R/o. H. No. 6-1-339, V.D.Os Colony,
Khammam town and District,
Telangana.
3. Mrs. Chekuri Praveena, Director,
R/o. H. No. 6-1-339, V.D.Os Colony,
Khammam town and District,
Telangana.
4. Mr. Satyam Babu,
R/o. H. No. 6-1-184/1, V.D.Os Colony,
Khammam town and District, Telangana.
5. Mrs. Chekuri Nagendra, Director,
R/o. H. No. 6-1-184/1, V.D.Os Colony,
Khammam town and District, Telangana.

6. Mr. Boddu Venkateswara Rao, Director,
R/o. H. No. 5-1-34, Near Venkatagiri Gate,
Khammam town and District-507 001,
Telangana.
7. Mrs. Boddu Lakshmi Devi, Share holder
R/o. H. No. 5-1-34, Near Venkatagiri Gate,
Khammam town and District-507 001,
Telangana.
8. Mr. Gudavarthi Nageswar Rao, Shareholder,
R/o. H. No. 10-1-41/2, Mamillagudam,
Khammam town and District-507001,
Telangana.
9. Mr. Gudavarthi Srinivasa Rao, Shareholder,
R/o. H. No. 10-1-41/2, Mamillagudam,
Khammam town and District-507001,
Telangana.
10. Mr. Gudavarthi Rama Rao, Director,
R/o. H. No. 10-1-41/2, Mamillagudam,
Khammam town and District-507001,
Telangana.
11. Mr. Vempati Venkata Ramana, Director,
R/o. H. No. 6-1-327, V.D.Os Colony,
Sai Baba Temple, Khanapuram Haveli,
Khammam town and District-507 002,
Telangana.
12. Mrs. Vempati Sudha Rani, Director,
R/o. H. No. 6-1-327, V.D.Os Colony,
Sai Baba Temple, Khanapuram Haveli,
Khammam town and District-507 002,
Telangana.

...RESPONDENTS

Date of order: 20.09.2018

Coram:

Hon'ble Shri Ratakonda Murali, Member (Judicial)

Parties / Counsels Present:

For the Applicant : Shri B.Mukesh, Advocate

For the Respondent: Shri Naresh Kumar Sangam, Advocate


Per: Hon'ble Shri Ratakonda Murali, Member (Judicial)

Heard on: 05.07.2018, 31.07.2018, 04.09.2018, 11.09.2018, &
20.09.2018

ORDER

1. This application IA No. 176/18 in CP No.303/241/HDB/2017 is filed on behalf of applicants praying the Tribunal to set a side ex-party order of dismissal dated 01.12.2017. The case of applicants is that they have filed main CP under section 241 of companies Act, 2013 questioning their removal as directors.
2. The main petition came up for hearing on 01.12.2017 under the caption "dismissal". Since there was no representation on 01.12.2017, the main petition was dismissed for non-prosecution. It is stated that petitioner was not aware of the posting. The absence of applicants was not willful hence the petition for restoration of CP 303/241/HDB/2017. Counter is filed on behalf of second respondent opposing the application and it is contended in the counter that the application is liable to be dismissed. In view of Rule 48 of NCLT Rules 2016. It is contended the application is filed beyond 30 days. Therefore application is liable to be rejected.
3. I have gone through the application. It is contended on behalf of applicants that the order copy was received by applicants on 14.12.2017. Excluding the time taken for obtaining copy of the order the application is filed within 30 days.
4. The contention of learned counsel for applicants the order copy was made available on 14.12.2017. The application was filed on 08.01.2018. The counsel contended if the time taken for supply of order is excluded then the application is within 30days from the date of order of dismissal. It is true, the time taken for preparing order is to be excluded in computing the period of limitation. Therefore the application is filed within 30 days from the date of order.

5. Therefore present application is within time. However applicants are not diligent in prosecuting the case. Therefore costs to be imposed on the applicants.
6. In the result application is allowed subject to payment of cost of Rs. 500/- payable to the respondent 2 on or before 28.09.2018. Failing which petition stands dismissed.
7. List the matter on 28.09.2018.


20.9.18
RATAKONDA MURALI
MEMBER (JUDICIAL)