

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
PRINCIPAL BENCH

IN THE MATTER OF:

350/241-242/PB/2018

Shivi Holding Pvt. Ltd. & Ors.

.... Applicant/petitioners

Vs.

RHC Holdings Pvt. Ltd. & Anr.

.... Respondents

Order under Section 241-242 of the Companies Act

Coram:

Order delivered on 14.09.2018

CHIEF JUSTICE (RTD.) M. M. KUMAR
HON'BLE PRESIDENT

SH. S. K. MOHAPATRA
HON'BLE MEMBER (TECHNICAL)

PRESENTS:

For the Petitioner/Applicant : Ms. Ranjana Roy Gawai, Ms. Vasudha Sen,
Mr. Vivek Kumar, Mr. Abhishek & Mr. Sumit
Bindal, Advs.

For the Respondent : Mr. Abhinav Vasisht, Sr. Adv. with Mr. Neeraj
Sharma, Mr. Alok Tiwari, Ms. Archana
Lakhotia & Ms. Priya Singh, Advs. for R-7
Mr. Siddharth Garg & Mr. Abhinav Mukerji,
Advs. for R-2 & 3

ORDER

CA-861(PB)/2018

This is an application with a prayer for withdrawal of the CP. 350/241-242/PB/2018. The application has been filed by all the three petitioners. The basis for withdrawal of the petition appears to be the intervention of the mother who prevailed upon applicant-petitioner No. 2 and non-applicant-respondent No. 2, who are real brothers, to engage in a mediation to be held by family elders respected by both the brothers with a view to settling the matter between them.

Notice of the application.



Mr. Abhinav Vashisht, Ld. Senior Counsel for the non-applicant-respondent No. 7 and Mr. Siddhart Garg, Ld. Counsel for respondent No. 2 & 3 accept notice.

Mr. Abhinav Vashisht states that the respondent No. 2 & 4 have abused their position of influence and control on respondent No. 1, 5 & 7 from year 2008 onwards. They have conducted the affairs of these companies in manner prejudicial & oppressive to the petitioners and also prejudicial to the interest of the above-mentioned companies. In essence it is stated that withdrawal of petition would result into withdrawing admissions made in favour of non-applicant respondent-7 and its rights would be prejudiced. Therefore, withdrawal would prejudice its rights.

Be that as it may. The application has been filed by the petitioner who is the Dominus litis. They are the master of the suit and any objection with regard to the allegation made may not constitute sufficient basis for rejecting the application. However, the withdrawal shall not cause any prejudice to any of the parties and all the parties shall be at liberty to use the pleadings at any form in accordance with law.

CA-861(PB)/2018 is allowed and CP-350/241-242/PB/2018 is dismissed as withdrawn.

Sd/-

(M.M.KUMAR)
PRESIDENT

Sd/-

(S.K. MOHAPATRA)
MEMBER(TECHNICAL)