

**IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH**

C.P. No.105/BB/2019
U/s 241(1) of Companies Act, 2013
R/w Rule 11 and 83 of NCLT Rules, 2016

In the matter of:

1. Shri Shankar Subramanya Bhat
S/o. K.S. Bhat
No.10, Prestige Lake Vista
Ramagundanahalli, Varthur Main Road,
Bangalore – 560 066. & Another - Petitioners

Versus

1. M/s. Canara Star Communications Pvt Ltd.
2nd Floor, Vamanashram Building,
GHS Cross Road,
Mangalore – 575 001. & 5 Others - Respondents

Date of Order: 13th June, 2019

Coram: 1. Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)
2. Hon'ble Dr. Ashok Kumar Mishra, Member (Technical)

Parties/Counsels Present:

For the Petitioners : Shri Andre Peter
For the Respondents : --

ORDER

Per: Rajeswara Rao Vittanala, Member (J)

1. C.P. No.105/BB/2019 is filed by Shri Shankar Subramanya Bhat and another ('Petitioners') under Section 241(1) of the Companies Act, 2013 read with Rule 11 and 83 and the NCLT Rules, 2016 against M/s. Canara Star Communications Pvt. Ltd. and five others ('Respondents'), by inter alia seeking to direct that 50% of the shareholding of the Company lies with the Petitioner group, and the shareholding of the Respondent No.2



is only 50%; to direct that the Respondent No.3 is not a shareholder in the Company, and consequently, pass an order of permanent injunction restraining the Respondent No.3 from claiming or representing to any person that she is a shareholder of the Company; to declare the Agreements entered into between the Company and Respondent No.2 (through Malnad Infotech Pvt. Ltd.) as illegal and void, etc.

2. Heard Shri Andre Peter, learned Counsel for the Petitioners. We have carefully considered the pleadings of the party and the extant provisions of law.
3. Learned Counsel for the Petitioners submits that the Petitioners may be permitted to withdraw the instant Company Petition with a liberty to file a fresh Company Petition, if necessary. He has also filed a Memo for Withdrawal dated 10.06.2019 (which is taken on record), which reads as under:

“The Petitioner Company seeks leave from this Hon’ble Tribunal to withdrawal the instant petition as not pressed with liberty to file a fresh petition as may be necessary.”

4. Since the case is not yet admitted by issuing a notice, we are inclined to permit the Petitioner to withdraw the instant Company Petition by reserving a liberty to the Petitioner to file a fresh Company Petition in accordance with law for the grievances, if any, arises further.
5. In the result, C.P. No.105/BB/2019 is disposed of as withdrawn by reserving a liberty to the Petitioner to file a fresh Company Petition in accordance with law, if any cause of action arise. No order as to costs.


(ASHOK KUMAR MISHRA)
MEMBER, TECHNICAL


(RAJESWARA RAO VITTANALA)
MEMBER, JUDICIAL