

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

IA No. 26 of 2016

In

CP No. 3/111/CB/2008

(TP. No 147/HDB/2016)

Under Companies Act, 1956

In the Matter of:

1. Chandrakant Agarwal
8-2-684/3/1, Road No. 12,
Banjara Hills, Hyderabad- 5000032.
2. Aarthi Agarwal
8-2-684/3/1, Road No.12,
Banjara Hills, Hyderabad- 5000032.
3. Ranjitha Agarwal
8-2-684/3/1, Road No.12,
Banjara Hills, Hyderabad- 5000032.
4. Archana Agarwal
8-2-684/3/1, Road No. 12
Banjara Hills, Hyderabad- 5000032.
5. Rajnikant Agarwal
8-2-684/3/1, Road No.12
Banjara Hills, Hyderabad- 5000032
6. Neeraj Agarwal
8-2-684/3/1, Road No. 12
Banjara Hills, Hyderabad- 5000032
7. Mahesh Kumar Agarwal
8-2-684/3/1, Road No. 12
Banjara Hills, Hyderabad- 5000032
8. Sachin Agarwal
8-2-684/3/1, Road No. 12
Banjara Hills, Hyderabad- 5000032
9. Kamal Kant Agarwal

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OF THE ORIGINAL**



8-2-684/3/1, Road No.12
Banjara Hills, Hyderabad- 5000032

10.Nitin Kumar Agarwal
8-2-684/3/1, Road No.12
Banjara Hills, Hyderabad- 5000032

11.Shilpa Agarwal
8-2-684/3/1, Road No.12
Banjara Hills, Hyderabad- 5000032

12.Sashikant Agarwal
8-2-684/3/1, Road No.12
Banjara Hills, Hyderabad- 5000032

13.Saritha Agarwal
8-2-684/3/1, Road No. 12
Banjara Hills, Hyderabad- 5000032

... Applicants/ Petitioners

Versus
Mancherial Cement Company Private Limited

...Respondent

AND



P Naroatham Rao
House No. 6-3-655/2/4,
Civil Supplies Bhuvan Lane,
Somajiguda, Hyderabad- 500082 and 49 others

... Proposed Respondents

Order delivered on: 24.07.2017

CORAM:

The Honourable Rajeswara Rao Vittanala, Member (**JUDICIAL**)

Counsels for Petitioners :

Counsels for Respondents:

Mr. Debal Banerji
Mr. Bipin Shukla
Mr. S. Chidambaram
Mr. B. P. Mohan

Per: Rajeswara Rao Vittanala, Member (Judicial)

Order

1. The Present Company Application bearing IA No. 26 of 2016 in CP No.3/111/CB/2008 is filed under provisions of the Companies Act, 1956. by Mr. Chandrakant Agarwal and 12 others by seeking to allow the Application to implead the Proposed Respondent as 2 to 51 in the Petition and consequently allow the Petitioner to carry out consequential amendment to the Petition, in terms of the schedule of the amendment as annexed.
2. Heard Mr. Debal Banerji, learned Senior Counsel along with Mr. Bipin Shukla, for Petitioner and Mr. B.P. Mohan, learned Counsel for Respondent along with Mr. S. Chidambaram (PCS).
3. The Main Company Petition was filed by seeking a direction to rectify the members of Registrar of No.1 reflecting the names of the Applicants/ Petitions as shareholders as Members register. Consequent on transfer of share in favor of the Applicants, the respondent company handed over the physical possession of the shares to the occupancy. However, the members register was not rectified and thus name of Petitioners are not appearing in Register.
4. It is stated that the applicants stated to be layman and have no knowledge of Practice and Procedure in court of Law. They have assigned the brief to the advocate by believing that the advocate knows the practice and procedure of the court. However the advocate who was initially engaged was changed in month of October 2015, so new advocate has informed them that the Petition was suffering serious lacunae of non- joinder of necessary parties as the existing shareholders of the company are to be impleaded as party to the Petition. It is further contended that impleading and amendment of Petition would not change nature and effect of the case. Therefore, prays the Tribunal to allow the application as prayed for.
5. Shri S. Chidambaram the PCS for Respondent No. 9, 10 and 11 and Shri B.P. Mohan Counsel for Respondent No. 1, 2 and 3 in Company Petition have no



objection for allowing this Application. Thus, nobody has opposed this Application.

6. In view of the facts and circumstances of this case, I am of the considered view that application is eligible to be allowed in interest of the justice. Therefore, this Company Application bearing (Interlocutory Application No. 26 of 2016) in Company Petition No. 3/111/SRB/2008 is allowed, permitting the Applicants/ Petitioners to implead the Proposed Respondents as Respondent No. 2 to 51 in the Amended Company Petition. The Petitioners are directed to carry out amendment accordingly and file an amended copy within a week from date of receipt of this order.



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OF THE ORIGINAL

V. Annapoorna
V. ANNAPOORNA
Asst. DIRECTOR
NCLT, HYDERABAD.

881-
Rajeswara Rao Vittanala

Order received by the
Registry on 4/8/2017
प्रमाणित प्रति
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केस संख्या CP NO. 3/111/SRB/2008
निर्णय का तारीख TP NO. 147/HPD/2016
DATE OF JUDGEMENT 24-7-2017
प्रति तैयार किया गया तारीख
COPY MADE READY ON 4-8-2017