

IN THE NATIONAL COMPANY LAW TRIBUNAL HYDERABAD BENCH, HYDERABAD

C.P. No.78/241/HDB/2017

U/S 241 (1) of Companies Act, 2013

In the matter of

Mr. Lakshmalla Daniel Samson
Director
M/s Trinity Avenues Pvt. Ltd
D.No.1-7-149/C/3, Flat No.B-3
1st Floor, Bakaram, Musheebad
Hyderabad -500020

And Also at

1-7-510/7, D.No. Harinagar
Zamishtanpur, Musheerabad
Hyderabad – 500020



**CERTIFIED TO BE TRUE COPY
OF THE ORIGINAL**

...Petitioner

And

1. Trinity Avenues Private Limited
D.No.1-7-149/C/3, Flat No. B-3
1st Floor, Bakaram, Musheebad
Hyderabad – 500 020
2. Mr. Vardharajan Narsimlu
S/o Naini Naidu Vardharajan
M/s Trinity Avenues Private Limited
R/o 1-2-418, Domalguda
Hyderabad – 500029

...Respondents

Date of order: 10.07.2017

CORAM:

Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)
Hon'ble Shri Ravikumar Duraisamy, Member (Technical)

Parties present:

For the Petitioner : Shri Vallabha Venkateswara Rao, Advocate

Per: Rajeswara Rao Vittanala, Member (Judicial)

ORDER

1. The present Company petition No. 78/241/HDB/2017 is filed under section 241 (1) of the Companies Act, 2013, inter-alia seeking to appoint the Appellant as Managing Director to the Respondent No.1 Company, to handover the Respondent No.1 Company properties, Assets and documents to the Petitioner and to cancel the proceedings of enhancement of the share/paid up capital from Rs.1,00,000/- to Rs. 4,00,000/- direct to appoint Petitioner as Managing Director, hand over the custody of the office, landed property, Assets and land documents, direct to conduct General Body Meeting of the Respondent No.1 Company shareholders by the Respondent No.2.
2. Heard Shri V. Venkateswara Rao, for the Petitioner. None appears for the Respondent.
3. The case was instituted before this Tribunal after serving copy to Respondent. After listing the case for admission on 13/06/2017, the Tribunal ordered notices to both the Respondents and the Learned Counsel for the Petitioner was also directed to take personal notice on the Respondents.
4. The case was again listed on 27/6/2017 and the Learned Counsel for the Petitioner submitted that Respondents have changed the address and submitted that he may be granted some more time to make another effort to serve the copy of the notice on the Respondent.



5. In pursuance to the above direction, the Learned Counsel has filed a memo dated 10/7/2016 by stating as follows:-

“Post through RPAD and also enclosed photograph along with memo.”

In spite of the notices none appears for the Respondents.

6. The Learned Counsel for the Petitioner submits that the Respondent No.2 is carrying out so many illegal activities in the absence of the Petitioner when the Petitioner fell sick. The Respondent No.2 is avoiding to receive the notices and also refused to participate in meetings of the Company. It is also stated that the Petitioner conducted Board Meeting on 10/6/2016 and postponed as the Respondent no.2 did not attend the meeting again. Thus, it was ultimately held on 2/7/2016 and Respondent No.2 did not attend this time also. Thus, after causing newspaper notification in Hindu, English Newspaper, about the proposed conducting of the meeting to be held on 24.07.2016, even then he did not attend this meeting.

7. In view of the facts and circumstances of the case, we direct Respondents No.1 & 2 to convene General Body meeting on 10/8/2017 at the Registered Office of the Company at 10.30 a.m and direct all the parties including Respondent No.2 to be present in the meeting without fail. We direct the Respondents No. 1 & 2 to submit proceedings of the said meeting at the next date of hearing. Communicate this order and also issue notice of proposed meeting to Respondents No. 1 & 2 in person well before proposed meeting.

8. Post the case on 22.08.2017.



sd/-
RAVIKUMAR DURAISAMY
MEMBER (T)

sd/-
RAJESWARA RAO VITTANALA
MEMBER (J)

**CERTIFIED TO BE TRUE COPY
OF THE ORIGINAL**

V. Annapoorna
V. ANNAPOORNA
Asst. DIRECTOR
NCLT HYD.