

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

CA No.207 of 2017
In
CP No.55/2008
U/R 11 & 32 of NCLT Rules, 2016

In the matter of:

BEML LTD

Having its registered office at 23/1,
4th Main S.R.Nagar,
Bangalore -5600027

.. Applicant/Petitioner

Versus

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

1. **BEML MIDWEST LIMITED**
Having registered office at
"Srinivas Nilayam" 8-2-684/3-55,
Banjara Green Colony, Road No.12,
Banjara Hills, Hyderabad-500034
2. **M/s.MIDWEST GRANITE PRIVATE LTD**
Having registered office at
6-3-802, 2nd Floor, Zainab Commercial Complex,
Ameerpet, Hyderabad-500016
and Also at H-08-2-684/3/25&26,
Road No.12, Banjara Hills,
Hyderabad-500034
3. **Mr.K.Raghava Reddy**
S/o.K.Ramchandra Reddy,
aged 55 years, Residing at Flat No.2 & 3,
La Creative Heights, Road No.12,
Banjara Hills, Hyderabad-500034
4. **Mr.M.Ajababu**
S/o. Sri M.Koti Reddy,
Aged 62 years, Residing at Flat No.304,
Madhuranagar Colony,
Sai Surabhi Awas, Hyderabad-500038
5. **Mr.C.Anki Reddy**
Aged 46 years, R/o. Fat No.406,
Sai Spurthy Enclave, Venkatagiri,
Yosufguda, Hyderabad-500045



6. P.T.Sumber Mitra Jaya
A Company incorporated under the
laws of Republic of Indonesia and
having its registered office at Graha Irama,
14th Floor, Jl.H.R.Rasuna Said,
Block X-I, Kuningan, Jakarta 12950,
Indonesia

7. M/s Reliance Granite Pvt Ltd
Having registered office at
H-08-2-684/3/25&26, Road No.12,
Banjara Hills, Hyderabad-500034



8. M/s.General Nice Mineral Resources
(India) Ltd.
Chettinad Chambers, 3rd Floor,
Dr Radhakrishna Salai
5th Street, Mylapore
Chennai - 600004

.... Respondents

Date of order: 30.11.2017

CORAM

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

Hon'ble Shri Ravikumar Duraisamy, Member (Technical)

Parties / Counsels Present

For the Applicant:

Mr.S.Sriranga, Advocate

For the Respondents:

Mr.Inti Venkateswarlu,
Advocate

Per: Rajeswara Rao Vittanala, Member (Judicial)

ORDER

1. The present Company Application bearing CA No.207 of 2017 in CP No.55/2008 is filed by BEML Ltd under Rules 11 & 32 of NCLT Rules, 2016, by interalia seeking to direct investigating officers to complete investigation officers to complete the investigation and to submit a report in a time bound manner etc.
2. The case was initially instituted in the then Company Law Board and its stands transferred to this Bench, on its constitution. Accordingly, the case stands posted to various dates viz: 01.09.2017, 08.09.2017, 08.11.2017, 15.11.2017 & 30.11.2017 for hearing. During the course of hearing of main case, the petitioner has filed said CA No. 185 of 17.
3. Heard Mr S.Sriranga the learned counsel for the Applicant/Petitioner and Mr.Inti Venkateswarlu, learned counsel for the Respondent No.2.
4. Mr.Sriranga the learned counsel for the applicant submit that the then Company Law Board, disposed of both CP No. 55 of 2008 and CP No. 02 of 2009 vide common order 01.06.2012 by interalia directing the Central Government to appoint an Inspector to investigate the affairs of BEML Midwest Limited and the conduct of BEML and Midwest group and its nominee directors in the affairs of M/s BEML Midwest Ltd, within six months from the date of receipt of a copy of this order and to take action on receipt of investigation report.



5. Aggrieved by the said common order dated 01.06.2012, the applicant /petitioner herein has filed a Company Appeal bearing CA No.7 and 12 of 2013 before the Hon'ble High Court of Judicature at Hyderabad. And the Hon'ble High Court, also vide its Order dated 19.08.2013 disposed off the same by set aside the said common order dated 01.06.2012 and remanded the matter to Company Law Board (CLB), Chennai for fresh adjudication and also directed the CLB to proceed with the enquiry and decide the issues in accordance with law on merits also taking into consideration the result of investigation and pass appropriate orders.



6. In pursuant to the Common Order dated 01.06.2012 of the Hon'ble Company Law Board, Chennai and the Judgment of Hon'ble High Court of Hyderabad dated 19.08.2013, the Regional Director, Ministry of Corporate Affairs, South Eastern Region, at Hyderabad, vide its letter F.No. JDI Insp/RD(SER/Sec-235/2014/8572 dated 13.01.2014 intimated to the parties that Shashi Raj Dara, Deputy Registrar of Companies, AP and Dola Raghunath Assistant Director O/o RD(SER) Hyderabad have been appointed as Inspectors by the Central Government for purpose of investigation in question with direction to complete their investigation and submit their report.
7. The learned counsel now submit that they are not aware as to what happened to the said enquiry and could not argue the matter and they are suffering a lot by virtue of non-completion of investigation. All the records are with the Department for

investigation. Hence, the present application has been filed with relief as mentioned supra.

8. After perusing the records of Tribunal, there is no report available and no developments with regard to said investigation filed in the Tribunal. Therefore, in order to decide the matter, which is pending since 2008, we want to know the fate of said enquiry, in order to decide the case without further delay.



9. In view of the above facts and circumstances of the case, the Regional Director, South Eastern Region, Ministry of Corporate Affairs, Hyderabad is directed to submit a detailed report about the said investigation by 12th December, 2017, and also depute concerned officer of the Department with relevant record to assist the Tribunal on next date of hearing. Since the case is one of few oldest pending cases on file of this Bench, we want to take up matter for final hearing on priority basis. We further make it clear that no further adjournment will be granted to any party. The Registry is directed to serve a copy of this order on Regional Director immediately. Post the case for final on 14.12.2017 immediately below admission.

Sd/-
RAVIKUMAR DURAISAMY
MEMBER (TECHNICAL)

Sd/-
RAJESWARA RAO VITTANALA
MEMBER (JUDICIAL)

For Dy. Regr./Asst. Regr./Court Officer/
National Company Law Tribunal, Hyderabad Bench

प्रमाणित प्रति
CERTIFIED TRUE COPY
केस संख्या
CASE NUMBER *CA:ND-207 of 2009 IN CP No 55/2008*
निर्णय का तारीख
DATE OF JUDGEMENT *30.11.2017*
प्रति तैयार किया गया तारीख
COPY MADE READY ON *4.12.2017*

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OF THE ORIGINAL