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**NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD**

IA 338/2017 In CP No. 62/441/NCLT/AHM/2017

Coram:

**Present: Hon'ble Mr. BIKKI RAVEENDRA BABU
MEMBER JUDICIAL**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF AHMEDABAD
BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 13.10.2017**

Name of the Company: Tirupati Foam Ltd.

Section of the Companies Act: Section 441 of the Companies Act, 2013

<u>S.NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
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1.	Ashish C. Doshi	PCS	Applicant	
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2.

ORDER

Learned PCS Mr. Ashish Doshi present for Applicants/ original petitioners. None present for Respondent in IA 338/2017.

Heard arguments of Learned PCS for Applicants.

Petitioners filed this application IA 338/2017 seeking permission to withdraw the CP 62/2017 on the ground that provision of corporate governance report is not applicable to the company and therefore there is no violation of section 129 of companies Act, 2013.

In fact petitioners admitted the violation and filed petition before the ROC and the same was forwarded to this Tribunal which came to be registered as CP 62/2017. Therefore, it is not open to the petitioners now to plead that there is no violation of section 129 of companies Act, 2013. However, it is not for this Tribunal in this petition filed under section 441 of companies Act, 2013 to decided there is any violation of section 129 of companies Act, 2013 is there or not.

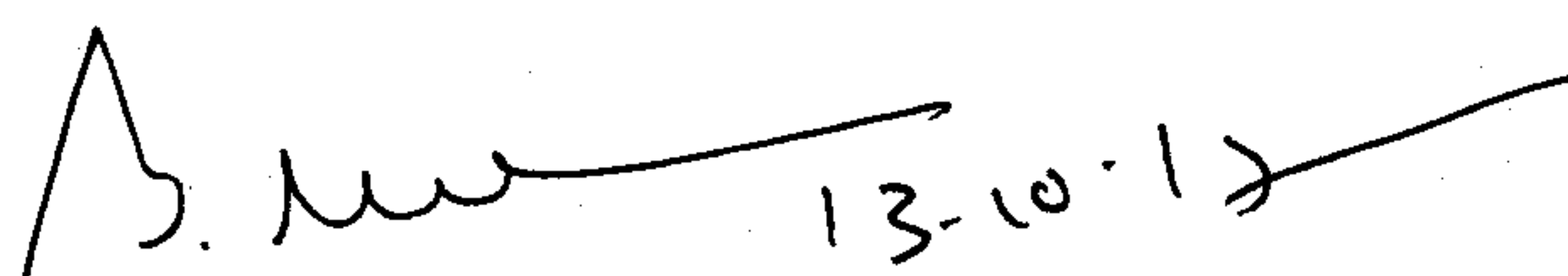
More so it for ROC to prosecute the petitioners for violation of section 129 of companies Act, 2013 after the compounding petition CP 62/2017 is withdrawn.

Since petitioners came forward with a request to withdraw CP 62/2017 this Tribunal has no reason to deny such request without giving a finding whether there is a violation of section 129 of companies Act, 2013 or not.

It is already said that it is for the ROC to determine whether there is violation of section 129 of companies Act, 2013 is there or not.

Hence, the applicants are permitted to withdraw CP 62/2017.

Application is disposed of accordingly.


BIKKI RAVEENDRA BABU
MEMBER JUDICIAL

Dated this the 13th day of October, 2017.