

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL  
BENGALURU BENCH

I.A. NO.21/2016

IN

T.P.NO. 89/2016

IN

C.P. NO. 25/2016

*PRESENT: SHRI RATAKONDA MURALI, MEMBER JUDICIAL*  
*SHRI. ASHOK KUMAR MISHRA, MEMBER TECHNICAL*

IN THE MATTER OF COMPANIES ACT, 1956  
SECTION 621A READ WITH SECTION 397, 398, 402, 403 AND 111  
OF THE COMPANIES ACT, 1956

AND

IN THE MATTER OF COMPANIES ACT, 2013 UNDER SECTION 59  
AND

IN THE MATTER OF AMMA CONSTRUCTION INDIA PRIVATE LIMITED

1. Sridhar Chilukuri,  
257, Ground Floor, 101, Sterling Garden,  
Bangalore-560024.
2. Prakash Chand Bafna  
5, Nallanna Mudali Street,  
2<sup>nd</sup> Floor, Sowcarpet,  
Chennai-600079.
3. Pista Devi  
CBS Gunj, Gangavathi,  
Karnataka.
4. Jyoti Jain  
No.1, Chandrappa Mudali Street,  
Sowcarpet,  
Chennai-600079.
5. Rajesh Kumar  
5, Nallanna Mudali Street,  
2<sup>nd</sup> Floor, Sowcarpet,  
Chennai-600079.
6. Shanthi Devi,  
No.1, Chandrappa Mudali Street,  
Sowcarpet,  
Chennai-600079.
7. Kailash Chand Kothari  
CBS Gunj, Gangavathi,  
Karnataka.

APPLICANTS/PETITIONERS



1. Amma Construction India Private Limited,  
595, Balaji Nivas, Anand Nagar,  
1<sup>st</sup> Main Road, R.T.Nagar Post,  
Bangalore-560024.
2. Ramakrishna Reddy  
No.29/1-1, Flat No.202, Hoysala  
Vijay Enclave 2, 60 Feet Road,  
Bhoopasandra,  
Bangalore-560094.
3. Manju Ramakrishna  
No.301, Mittal Residency,  
M.G.Road, Bangalore-560001.
4. Somanally Rachaiah Arun Kumar  
# 227, 3<sup>rd</sup> Cross, 11<sup>th</sup> Main, NRI Layaout,  
Kalkere, Bengaluiru-560016.
5. Vinod Aerukala  
8-1-293/D2/A, No.6, Opp.Oasis School  
Dwarka Nagar, Golconda,  
Hyderabad-500008.
6. Manikumar Jain  
CBS Gunj, Gangavathi,  
Karnataka.
7. Ramdev Aand Co.,  
CBS Gunj, Gangavathi,  
Karnataka.
8. R.Motilal  
CBS Gunj, Gangavathi,  
Karnataka.
9. Ugamraj Bump & Sons  
No.18, Elephant Gate,  
Sowcarpet, Chennai-560079.
10. P.T Udyog  
Plot No.132, Jain Mahaveer,  
APMC Yard, Bellary
11. Sunil Kumar.M  
No.26/15, 1<sup>st</sup> Floor, Vishwakarma Bhavan,  
Kasai Street, Bellary.
12. Sarapalli Srinivas Raju  
SS Raju Manor Apartment  
No.A-302, Royal Enclave Layout,  
Jakkur Post, Srirampura Village,  
Bangalore-560064.
13. K.Shankar Srinivasa Reddy  
No.3, Veerabhadra Nilaya,  
4<sup>th</sup> Block, HBR Layout,  
St.Thomas Town, Bangalore-560084.

- Respondents




PARTIES PRESENTED: 1) Sri A.M.Sridharan, Advocate for Petitioners

Heard on: 23/08/2016, 19/09/2016, 03/10/2016, 28/10/2016 and 09/11/2016.

**ORDER**

This Application is filed on behalf of Petitioners praying the Tribunal to permit the petitioners to withdraw the main petition which is filed under section 397, 398 of the Companies Act, 1956.

The petitioners have filed proof for service of notices to the counsels for Respondents.



The Counsel for petitioners further filed a Memorandum dated 9<sup>th</sup> November 2016 for proof of service of notice of hearing to the counsels for Respondents.

This Application came up for hearing on 23/08/2016, 19/09/2016, 03/10/2016, 28/10/2016 and on 09/11/2016. The Counsel for petitioners is present on 9<sup>th</sup> November 2016. Counsel for Respondents 1 and 2 is alone present on that day. She reported that Respondents 1 and 2 have no objection for permitting the petitioners to withdraw the main Company Application in C.P No. 25/16 which was renumbered as T.P No.89/2016.

It is averred in the Application that petitioners/Applicants have filed main Company petition against Respondents under Section 397, 398, 402, 403, 111 of Companies Act, 1956 and under section 59 of the Companies Act, 2013.

It is further averred that, the petitioners/Applicants and Respondents have amicably settled the dispute out of court. In view of the settlement Petitioners are requesting the Tribunal to permit them to withdraw the main Company Petition and dismiss the same as withdrawn.

This Application is filed by the Applicant/Petitioners for permitting them to withdraw the main Company Petition which is filed against Respondents for oppression and mismanagement and on other grounds. It is stated in the Application that the dispute between them was resolved outside the Tribunal. Therefore, the Applicant/Petitioners requesting the Tribunal to permit them to withdraw the main Petition and dismiss the same as withdrawn as settled outside the Tribunal. Counsel for Respondents 1 and 2 reported, no objection for withdrawal. None appeared for other Respondents, even though notice was sent to their Counsels.





Therefore, it can be presumed that, other Respondents also do not have any objection for withdrawal of the main Petition by the Petitioners. Since there is outside settlement and dispute was amicably resolved, then permission can be granted to the Petitioners to withdraw the main Company Petition. C.P 25/16, which is renumbered as T.P No. 89/16.

In the result, this Application is allowed permitting the Petitioners to withdraw main Company Petition No. 25/2016, which is renumbered as T.P No. 89/16 on the file of this Tribunal.

  
(RATAKONDA MURALI)  
MEMBER, JUDICIAL

  
(ASHOK KUMAR MISHRA)  
MEMBER, TECHNICAL

DATED THIS THE 11<sup>th</sup> DAY OF NOVEMBER 2016