

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL  
BENGALURU BENCH

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TRANSFERRED PETITION No. 67/2017  
IN COMPANY PETITION No.137/2016

DATED THURSDAY, THE 1<sup>st</sup> DAY OF JUNE, 2017

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

IN THE MATTER OF COMPANIES ACT 1956  
UNDER SECTIONS 433(e) AND 439 OF COMPANIES ACT, 1956  
AND  
IN THE MATTER OF MANJUNATH M.J.

AND

A2Z MAINTENANCE AND ENGINEERING SERVICES LTD.

Mr. Manjunath M.J.,  
S/o Javarappa,  
Aged about 38 years,  
R/at Machanahalli Tudipete, Tarikere,  
Chickmagalur District.

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Petitioner

Vs.

A2Z Maintenance and Engineering Services Limited,  
No.0-116, 1<sup>st</sup> Floor, Shopping Mall,  
Arjun Marg, DLF City, Phase-1,  
Gurgaon, Haryana-122002.

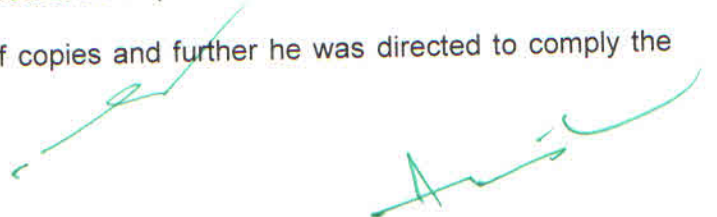
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Respondent

**ORDER**

Originally, CP No.137/2016 filed under Section 433(3) and 439 of Companies Act, 1956, before the Hon'ble High Court of Karnataka at Bengaluru. Pursuant to the notification bearing GSR No.1119, dated 07.12.2016, issued by the Ministry of Corporate Affairs, Govt. of India, the Company Petition was transferred to the file of this Tribunal and numbered as TP No.67/2017.

When this matter is listed for appearance of petitioner, he appeared on 01.02.2017. He was directed to file two more sets of copies and further he was directed to comply the



relevant provisions of Insolvency and Bankruptcy Code applicable to this case. From 01.02.2017, the case was adjourned to 20.03.2017. On that day, the petitioner was absent. No representation for petitioner. It was noticed that the Hon'ble High Court of Karnataka at Bengaluru also raised objection regarding maintainability of this petition as the Registered Office of respondent company is situated in the State of Haryana. The matter was listed to 13.04.2017. On that day also, the petitioner was called, absent. The Registry, as directed has put up note stating that the present petition cannot be entertained as the Registered Office of the respondent company is situated in the State of Haryana. The petitioner did not appear and explain how this petition is maintainable before this Tribunal. The same objection was first raised by the Hon'ble High Court before transfer.

Again, fresh notice was ordered to the petitioner to give one more opportunity and listed to today, i.e., 01.06.2017. There is no representation for petitioner even this day. The petitioner did not turn up. He is called, absent. As seen from the records, the Registered Office of the respondent company is situated in the state of Haryana. Therefore, this Tribunal cannot entertain this petition as it has no jurisdiction. The present petition is therefore not maintainable before this Tribunal.

The petition is liable to be rejected with a direction, the petitioner, if so advised, to approach the concerned NCLT for redressal of his grievance.

In the result, the petition is rejected.

  
(RATAKONDA MURALI)  
MEMBER (JUDICIAL)

  
(ASHOK KUMAR MISHRA)  
MEMBER (TECHNICAL)