

Interim ✓

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD**

**CA No.73 of 2016**

**In**

**CP No.26/397 & 398/CB of 2008**

**(TP No. 20/HDB/2016)**

**Date of Order: 09.09.2016**

**Between:**

3A Capital Services Limited,  
204, 2<sup>nd</sup> Floor, Sahyog Building,  
Above Central Park, S.V. Road,  
Kandivali (West), Mumbai-400 067.

...Applicant

**Versus**

Sanghi Spinners India Limited,  
Having its registered office at  
Sanghi Spinners India Ltd.,  
4-3-352, Bank Street, Koti,  
Hyderabad-500 095 and having its  
Office at Sanghinagar,  
P.O. Hayatnagar Mandal,  
Ranga Reddy District-501 511,  
And (9) others.

...Respondents

**Counsels Present:**

Shri Rajeev K.Panday  
for the Applicant.

Shri S. Chidambaram  
PCS for Petitioner.2



Shri R. Venkata Vardan  
for Petitioner-1

Shri M.S. Prasad Sr.Counsel  
with R. Sridhar Reddy for  
the Respondents No. 4 & 6

**CORAM:**

Hon'ble Mr. RAJESWARA RAO VITTANALA, MEMBER(JUDL)  
Hon'ble Mr. RAVIKUMAR DURASAMY, MEMBER(TECH)

**ORDER**

(As per Rajeswara Rao Vittanala, Member(Judicial))

1. The application was initially filed before Hon'ble Company Law Board, Chennai Bench, Chennai. Since, NCLT, Hyderabad Bench has been constituted for the cases relating to the States of Andhra Pradesh and Telangana, the case is transferred to Hyderabad Bench of NCLT. Hence, we have taken the case on records of NCLT, Hyderabad Bench and deciding the case.
2. The present CA No.73 of 2016 was filed by the Applicant under Regulation 44 of the Company Law Board Regulations,



1991 for impleading the Applicant in the main company Petition and also in the present application.

3. Heard the Counsels for all the parties and perused the various contentions raised in the present Company Application and in the main Company Petition.
4. The Applicant submitted that it has filed CP No.3 of 2013 before the CLB, Chennai U/s 111A of the Companies Act 1956 by inter alia, seeking a declaration that the petitioner being member of the respondent No.1 Company and consequently directed to rectify the Register of Members of the Company. The said CP was allowed by an order dated 16.08.2013. As per the said order the applicant would become single largest shareholder of the Respondent No.1 Company. Even though the said order became final, the Company still showing scant respect for the orders of the Member of CLB.
5. It is further stated that the applicant has not received any notices of shareholders meeting or any other correspondence





of the Respondent No.1 Company. Since the applicant being a single largest shareholder of the Respondent Company, the interest of the applicant and that of the first respondent company are align and thus the applicant has every right to be heard in respect of the management and the affairs of the first respondent company.

6. It is further stated that the applicant came to know about the violation of the present petition very lately and filed the present application seeking to implead. It is further stated that no prejudice can be caused to the other respondents if the present application is allowed. The learned Counsel for the applicant strenuously argued that if clients interest is being seriously affected seeking the present CA without disposing of. He also submitted that CA No.73 of 2016 is to be decided first before deciding the CP 26 of 2008. He was trying to get it decided at an early point of time. However, due to the non-availability of the Bench, the case was not decided so far. The learned Senior Counsel Sri R. Venkata Vardan, for the Respondent No. 04/ Petitioner No.1, however submits that the present CA can be decided after the miscellaneous CA filed by him is decided. The learned Senior Advocate also

submitted that the present CA can be decided after disposal of the CA No. 11 of 2016 filed for withdrawal.

In view of the above facts and circumstances of the case, we direct to post CA No.73 of 2016 along with CA No. 11/2016 and CP No.26/2008. We will decide the merits of the CA No.73 of 2016 after deciding withdrawal of Company Application No.11 of 2016. Post the case on 24.10.2016.

Sd/-

RAVIKUMAR DURASAMY  
MEMBER (TECHNICAL)

Sd/-

RAJESWARA RAO VITTANALA  
MEMBER (JUDICIAL)

CERTIFIED TO BE TRUE COPY  
OF THE ORIGINAL

V. Annapoorna  
V. ANNA POORNA  
Asst. DIRECTOR  
NCLT, HYDERABAD - 68

