

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

**CA No. 36 & 37 of 2016**

**In**

**TCP No.61/HDB/2016**

**Date of Order: 08.11.2016.**

**Between:**

Mr. Venkat Sudhakar Saththur  
S/o. Late Appa Rao,  
9-2-12/1, MIG-4/2, Pithapuram Colony  
Vishakhapatnam-530003,  
Andhra Pradesh

...Applicant/Petitioner

**AND**

1. Dictasol (India) Private Limited  
Having its registered office at: HIG-33,  
5<sup>th</sup> Phase, KPHB Colony,  
Hyderabad-500072.
2. Mr. Ramakrishna Reddy Raya,  
S/o. Rosi Reddy Raya,  
HIG-76, 5<sup>th</sup> Phase, KPHB Colony,  
Hyderabad-500072.
3. Mr. Eturi Jagdeswara Rao,  
S/o. Eturi Venkata Ramana,  
H.No. 1-58/A & 1-58/B, F-303,  
Earthcon Future Plaza,  
Madinaguda,  
Hyderabad-500072.
4. Mrs. Sushma Arisetty  
W/o. Mr. Eturi Jagdeswara Rao,  
H.No. 1-58/A & 1-58/B, F-303,  
Earthcon Future Plaza,  
Madinaguda,  
Hyderabad-500072.
5. AMK Holdings Limited,  
S.A, C.P 32, 1294 Genthod,  
Switzerland.

... Respondents/Respondents



6. Mr. Kanwaljith Singh Bharj,  
S/o. Pritam Singh Bharj  
Chemin De La Pralay 13  
GENTHOD  
1294 (as Respondent No.06)
7. Mr. Roland Francois Ferdinnanad Farina  
S/o. Antonio Farina  
Chemin De La Tour-De-Chempel 6,  
GENEVA  
1206 (as Respondent No.07)

Authorised Representative for the Applicant: Dr. K.S. Ravi Chandran, PCS  
Authorised Representative for Respondents: Shri B.V Satish Kumar, PCS  
Shri N. Sudheer, PCS

**CORAM:**

Hon'ble Mr. Rajeswara Rao Vittanala, Member (J)  
Hon'ble Mr. Ravikumar Duraisamy, Member (T)

**ORDER**

**(As per Rajeswara Rao Vittanala, Member (J))**

1. The Company Applications bearing No. 36 & 37 of 2016 have been filed by the petitioner under Section 242 (4) of the Companies Act, 2013 r/w Rule 11 of the National Company Law Tribunal Rules, 2016 by seeking to implead and amend Company Petition respectively.
2. Heard Dr. K.S Ravi Chandran, learned PCS for petitioner and Shri B.V. Satish Kumar along with Shri N. Sudheer, learned PCS for respondents.





3. The learned PCS for applicant submits that he has earlier filed CA No. 137 of 2012 seeking a direction to stay the proposed further issue of shares and proposed induction of other Directors.
4. The Company Law Board by an order dated 09.08.2012 has posted the CA along with main petition on 24.09.2012, with an observation that any decision taken in the meeting schedule to be held on 10.08.2012 shall be subject to the outcome of main petition.
5. The learned PCS for applicant submits that when he has challenged Board Meeting dated 03.08.2012 in the present CP, the respondents clandestinely and illegally appointed proposed respondents as Directors. So, in circumstances, the learned counsel submits, it necessitates to implead the proposed respondents to the main CP, in order to avoid multiplicity of litigation to have a comprehensive litigation of entire issue raised before this Tribunal and consequently CP has to be amended.
6. On the other hand, the learned counsel for respondents submit that the applicant is aware of all the incidents including appointment of 6<sup>th</sup> and 7<sup>th</sup> respondents and they cannot file the present two CAs belatedly and they sought for dismissal of both CAs.



7. We have carefully considered entire pleadings and materials filed. It is settled position of law that a pleading can be amended or implead all necessary and proper party at any point of time before deciding the issue in order to have a comprehensive adjudication of entire issue raised in petition.
8. It is not in dispute that proposed respondents are already appointed as Directors and they are party to various actions impugned in the present company petition. So, we hold that the proposed respondents are necessary and proper parties to CP No.03 of 2012 and consequent to this, applicant is permitted to implead and amend the main CP.
9. In the result, both the CAs 36 & 37 of 2016 are allowed with a direction to the applicant/petitioner to submit an amended CP, by duly impleading the proposed respondents, and file it in the Registry by 17.11.2016, after duly serving the copy to all respondents. The respondents are at liberty to file additional reply by 21.11.2016. We make it clear, that since the CP is instituted in the year 2012, no further adjournments shall be granted. Post the CP on 21.11.2016 for hearing.

Sd/-

**RAVIKUMAR DURAISAMY**

**Member (T)**

Sd/-

**RAJESWARA RAO VITTANALA**

**Member (J)**

V. Annapoorna  
V. ANNA POORNA

CERTIFIED TRUE COPY

