

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL

HYDERABAD BENCH, AT HYDERABAD

C.A. No.24 OF 2017

In

CP No.17/241/242/HDB/2017

Date of Order: 16.02.2017

Between:

Sri K. Joji Reddy,
5-8-42, 303A,
Nandanam Apartments,
Nampally,
Hyderabad – 500 001

... Petitioner

AND

1. M/s Pooja Crafted Homes Private Limited,
3-6-692, Street No.11, Himayatnagar,
Hyderabad – 500 029.
2. Mr. Duggimpudi Showri Reddy,
Flat No.2A, Rajoo Residency,
Street No.6, West Maredpally,
Secunderabad – 500 026
3. Mrs. Duggimpudi Anupama,
Flat No.2A, Rajoo Residency,
Street No.6, West Maredpally,
Secunderabad – 500 026.
4. Mr. Basani Joseph Kiran Kumar Reddy,
H.No.10-2-249, Flat No.302,
NASR Apartments, AC Guards,
Hyderabad – 500 004.
5. Mr. Polam Hemachander Reddy,
8-3-167/2, Sai Kiran Enclave,
Kalyan Nagar, Phase-I,
Hyderabad – 500 038
Also at
H.No.1-118/13A/IT, Flat No.303,
4th Floor, Capstone Icon Towers,
Sreebagh Colony, Kondapur,
Hyderabad. – 500 084



6. Mr. Chiranjeeva Kumar Pabbati,
12-2-166, P.V. Street,
Warangal – 506 002
Also at
3-6-692, Street No.11,
Himayatnagar,
Hyderabad – 500 029
7. Mr. Gala Mulraj Devchand,
21, Shastri Niketan,
Rama Krishna Chemburkar Marg,
Behind: Telephone Exchange,
Chembur, Mumbai – 400 071.
8. Shri C. Veeranjaneyulu,
8-3-945, 3rd Floor, F.No.305, A&B,
Pancom Business Centre,
Ameerpet,
Hyderabad – 500 016
9. Shri K. Venkateswar Rao,
K.Venkateswar Rao & Associates (FRN 006374)
D. No.3-5-907/2, FLAT No.402,
IV Floor, Mahavir Lok,
Himayatnagar Main Road,
Hyderabad – 500 029.

... Respondents.

Counsel for the Petitioner:

Sri S. Chidambaram, PCS

Counsel for the Respondents:

Sri V. Venkata Rami Reddy



CORAM:

HON'BLE Mr. RAJESWARA RAO VITTANALA, MEMBER (JUDICIAL)

HON'BLE Mr. RAVIKUMAR DURAISAMY, MEMBER (TECHNICAL)

ORDER

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

1. Heard Sri Chidambaram, learned PCS for the Applicant/ Petitioner and Sh. Venkata Rami Reddy for the Respondents in CA No.24 of 2017.

2. The learned PCS submits that the Respondent Nos. 1 to 6 have filed their counter dated 5.01.2017, in which several averments were made, which the Applicant/Petitioner is not aware. Since the averments made in the reply would have material bearing on the issues raised in the Company Petition, it is necessary to amend the pleading of the CP. He has further stated several contents in the application, which requires amendment of the petition. Hence, he sought to allow the present application permitting him to amend the CP as detailed under Para 6 of the application.

3. The learned counsel for the Respondents opposed the CA and also filed a reply counter to the Application dated 14.02.2017 by interalia contending that the amendment was sought in the present CA are not at all necessary and need not be permissible to add in the Petition as they have strictly followed all the rules and regulations in conducting the meetings, etc. The allegations made in the CA for amendment of the petition are not at all tenable and the prayer made in the petition is with a malafide intention further to harass, so that we can grab more value for shares.

4. The learned counsel for the Respondents further submits that the Respondents reserves their right to file an additional counter and documents if and when necessary. He further added that the Applicant/Petitioner is restless and lost his hope to prove his false allegations against the Respondents and thus filed this company application on untenable grounds. He, therefore, submits that the present CA deserves to be dismissed.

5. The Company Petition No.17/241/242/HDB/2016 was filed on 15.11.2016, and the reply was filed on 05.01.2017 in CP. After receiving the counter only, the Petitioner came to know several disputed issues, which would have bearing on the main issue raised in the CP. We have perused the application for the amendment and satisfied that the applicants are justified to file the present application.



6. It is a settled decision of law that the amendment can be made before deciding the issue, except in cases where previous pleadings are made at belated stage and that too with an intention to delay the matters/frivolous, etc.
7. In order to avoid multiplicity of litigations, it is necessary to permit the Applicant/Petitioner to amend the CP as prayed for by granting liberty to the Respondents to file additional reply if they want to do so.
8. In view of the above circumstances, the C.A. No.24 of 2017 is allowed by giving liberty to the Respondent to file additional reply, if any, within a period of three weeks from the date of amended copy of CP is served. The learned counsel for the Applicant is directed to file an amendment copy within a week from today (16.02.2017) duly serving the copy of amendment to the other side.



CERTIFIED TO BE TRUE COPY
OF THE ORIGINAL
No order as to costs.

Sd/-

Sd/-

RAVIKUMAR DURAISAMY

RAJESWARA RAO VITTANALA

MEMBER (T)

MEMBER (J)

V. Anna Poorna
V. ANNA POORNA
Asst. DIRECTOR
NCLT, HYDERABAD - 68