

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL

HYDERABAD BENCH, AT HYDERABAD

CA No.73 of 2016

In

CP No.26 of 2008

(TP No.20/HDB/2016)

Date of Order:21.12.2016

**CERTIFIED TO BE TRUE COPY
OF THE ORIGINAL**

BETWEEN:

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

... Applicant

And

1. 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 Dist. – 501 511,
Telangana.

2. Mr. Amit Sanghi,
4-3-352, Bank Street, Koti,
Hyderabad – 500 095,
Telangana, India.



3. Ms. Swati Sanghi,
4-3-352, Bank Street, Putli Bowli,
Hyderabad – 500 095,
Telangana, India.
4. Mr. Ravi Sharan Sanghi,
Sanghi Nagar Koheda,
Hayatnagar Mandal, R.R. District,
Telangana, India.
5. Mr. Girish Sanghi,
Sanghi Nagar Koheda,
Hayatnagar Mandal, R.R. District,
Telangana.
6. Mr. Anand Prakash Sanghi,
(Since deceased),
4-3-352, Sultan Bazar,
Hyderabad – 500 095
Telangana.
7. Mr. Sudhir Sanghi,
4-3-352, Bank Street, Koti,
Hyderabad – 500 095,
Telangana, India.
8. Mr. Siddharth Sanghi,
4-3-352, Bank Street, Koti,
Hyderabad – 500 095,
Telangana.
9. Mr. A.A. Narayanamurthy,
4-3-352, Bank Street, Koti,



Hyderabad – 500 095.

10. Mr. Sunil Pareek,
4-3-352, Bank Street, Koti,
Hyderabad – 500 095.

... Respondents

Counsel for the Petitioner/Applicant

... Sri Rajeev K. Panday

Counsels for the Respondents:

... Sri R. Sridhar Reddy for R4 & R6

Sri P. Vikram, for R3.

CORAM:

Hon'ble Mr. Rajeswara Rao Vittanala, Member (Judicial)

Hon'ble Mr. Ravikumar Duraisamy, Member (Technical)

ORDER

(AS PER RAJESWARA RAO VITTANALA, MEMBER (JUDL))

1. The Company Petition No.26 of 2008 was filed before the Hon'ble Company Law Board, Chennai Bench, Chennai and, it is renumbered as TP.20/HDB/2016. Since the National Company Law Tribunal, Hyderabad Bench (NCLT) has been constituted for the cases pertaining to the states of Andhra Pradesh and Telangana, the case is transferred to NCLT. Hence, we have taken it on records of NCLT, Hyderabad Bench and deciding it.



Heard Sri Rajeev K. Panday, learned counsel for the applicant and Sri CH. Ramesh Babu, learned counsel for the Petitioner No.1; and Sri R. Sridhar Reddy for Respondents R4 and R6 and Sri P. Vikram for Respondent No.3.

3. Sri Rajeev K. Panday has filed CA No.73/2016 under Regulation 44 of the Company Law Board Regulations, 1991 for impleading the applicant in the main company petition No.26 of 2008. The learned counsel for the applicant submits that the applicant became shareholder of the first Respondent Company as per order of CLB dt.16.08.2013 passed in CP No.3/2013, which was passed under Section 111(A) of the Companies Act. The CP No.3 of 2013 was filed before the Hon'ble Company Law Board, Chennai Bench (CLB) by the applicant inter alia seeking to declare the petitioner (applicant herein) as member of the respondent No.1 Company and consequently rectify the Register of the Company etc. The CLB vide its order dated 15.8.2013, directed the R1 company to transfer 1,99,70,000 equity shares, 27,60,000 equity shares and 13,40,000 equity shares all put together 2,40,70,000 equity shares in the name of the Petitioner and rectify the Register of Members within a period of thirty days. Ultimately the said order of the CLB became final, and shares were also transferred in the name of the Petitioner. Thus, the learned counsel prays that the applicant is a necessary and proper party to the CP.

4. Sri R. Sridhar Reddy, learned counsel appearing for the respondents 4 and 6 opposed the application. Sri S. Chidambaram, PCS, appearing for the 2nd petitioner did not oppose the CA. Sri CH Ramesh Babu, the learned counsel for the petitioner No.1 submit that since withdrawal of the petition is already filed, there is no necessity



to implead the applicant at this stage as it leads to delay the matter further.

We find that there is a considerable merit in the submission of the learned counsel for the applicant and we are of the opinion that the applicant is also one of the proper and necessary parties in the present company petition.

5. It is the primary responsibility of the petitioner in the company petition to implead all necessary and proper parties to the litigation. But in this present case, the applicant became shareholder by an order passed by the CLB, Chennai as mentioned above. Since company petition is still pending adjudication on the file of this Tribunal, it is necessary to permit the applicant to be impleaded as party respondent. In the result the CA No.73 of 2016 in CP No.26 of 2008, is allowed directing the petitioner to carry out the amendment duly impleading the applicant i.e., 3A Capital Services Limited as party respondent to the CP, within a period of two weeks from the date of receipt of the copy of order. The learned counsel for the applicant in CA No.73/2016 is also at liberty to file reply to main CP after impleadment.



Sd/-

RAVI KUMAR DURAISAMY
MEMBER (TECH)

Sd/-

RAJESWARA RAO VITTANALA
MEMBER (JUDL)

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