

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL

HYDERABAD BENCH, AT HYDERABAD

CP No.69 of 2009

(TP No.43/HDB/2016)

Date of Order: 30.12.2016

Between

Smt. Anita Kedia,
W/o Jitender Kumar Kedia,
Aged about 37 years, Occ: Business,
R/o 5-9-30/1/4/3, Road No.5,
Basheerbagh,
Hyderabad.

....Petitioner

And

1. Shruti Agro Farms Ltd,
Registered Office at 19-2-226,
Miralam Tank Road,
Bahadurpura, Hyderabad
Represented by its
Managing Director Mr. Jitender Kumar Kedia.
2. Mr. Mahesh Kumar Kedia,
S/o Mr. Gulzarilal Kedia, aged about 53 yrs.
Occ: Business, R/o 5-9-30/1/4/3,
Road No.5, Basheerbagh,
Hyderabad.
3. Mr. Umesh Kedia,
S/o Mr. Gulzarilal Kedia,
Aged about 42 years, Occ: Business,
R/o 5-9-30/1/4/3, Road No.5,
Basheerbagh, Hyderabad.
4. Mr. Ajay Kumar Kedia,
S/o Mr. Mahesh Kumar Kedia,
Aged about 30 years, Occ: Business,
R/o 5-9-30/1/4/3, Road No.5,
Basheerbagh, Hyderabad.



5. Mr. Gulzarilal Kedia,
S/o Late Mr. Ramnath Kedia,
Aged about 83 years, Occ:Business,
R/o 5-9-30/1/4/3, Road No.5,
Basheerbagh, Hyderabad.
6. Smt. Anita Kedia,
W/o Mr. Mahesh Kumar Kedia,
Aged about 48 years, Occ: Business,
R/o 5-9-30/1/4/3, Road No.5,
Basheerbagh, Hyderabad.
7. Smt. Komal Kedia,
W/o Mr. Ajay Kumar Kedia,
Aged about 25 years, Occ: House Wife,
R/o 5-9-30/1/4/3,
Road No.5, Basheerbagh,
Hyderabad.
8. Mr. Pankaj Kedia,
S/o Mr. Vijender Kedia,
Aged about 25 years, Occ: Business,
R/o 5-9-30/1/4/3,
9. The Registrar of Companies, Hyderabad
Andhra Pradesh, 2nd Floor, CPWD Building,
Kendriyasadan, Sultanbazar,
Hyderabad.
10. Mr. Kailash Naryan Bhangadiya
14-6-57, Begum Bazar,
Hyderabad – 500012

... Respondents

..Impleading Respondent

Counsel for the Petitioner:

... Sri Hari Krishna

Counsel for the Respondent No.1

... Dr S.V. Rama Krishna

Counsel for Impleading Respondent:

....Sri S. Chidambaram, P.C.S.

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.69 of 2009 was filed before the Hon'ble Company Law Board, Chennai Bench, Chennai (CLB) and, it is renumbered as TP.No.43/HDB/2016. Since the National Company Law Tribunal, Hyderabad Bench, (NCLT) has been constituted for the cases pertaining to 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 the case.
2. Heard Sri Hari Krishna, learned counsel for the Petitioner; Dr. S.V. Rama Krishna, learned counsel for Respondent No.1 and Sri S. Chidambaram, PCS for impleading Respondent.
3. Sri S. Chidambaram, PCS submits that he has filed CA No.125/2009 to be impleaded in the CP No.69 of 2009. The CLB vide its order dated 11.11.2010 allowed CA No.125 of 2009 by directing the Petitioner to implead the applicant of CA No.125 of 2009 as Respondent No.10 in the CP. Aggrieved by the said order, the petitioner of CP has filed WP No.5431 of 2011 before the Hon'ble High Court of A.P. The Hon'ble High Court was pleased to pass an interim suspension of the said order dated 11.11.2010 of CLB in WP MP No.6752 of 2011. The said WP is stated to be pending on the file of the Hon'ble High Court.
4. The case was instituted in the year 2009 in the then Company Law Board, Chennai and, it stands transferred to NCLT Bench, Hyderabad in July, 2016. So, the case has to be decided on urgent basis.



5. There is no stay granted by the Hon'ble High Court to proceed with the present Company Petition. Hence, we are inclined to take up the

CP for final hearing. However, Sri S. Chidambaram, PCS, for the impleading respondent, submits that he may be given one more opportunity to pursue the matter in the Hon'ble High Court as mentioned above before taking up the CP for final hearing, otherwise he will suffer irreparable loss.

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OF THE ORIGINAL



6. In view of the above circumstances, we are granting time as a final opportunity to the PCS for the impleading respondent, to pursue before the Hon'ble High Court. We direct to post the matter for final hearing on 23.01.2017, with a condition that no further adjournment will be granted, however subject to any order to be passed by the Hon'ble High Court, in the meanwhile.

Sd/-

RAVIKUMAR DURAISAMY
MEMBER (TECH)

Sd/-

RAJESWARA RAO VITTANALA
MEMBER (JUDL)

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