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NATIONAL COMPANY LAW TRIBUNAL  
DIVISIONAL BENCH  
CHENNAI

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI  
NATIONAL COMPANY LAW TRIBUNAL, HELD ON 02/02/2017 AT 10.30 AM

PRESENT: SHRI K. ANANTHA PADMANABHA SWAMY, MEMBER-JUDICIAL  
SHRI Ch. MOHD SHARIEF TARIQ, MEMBER-JUDICIAL

APPLICATION NUMBER :  
PETITION NUMBER : CP/9/2016  
NAME OF THE PETITIONER(S) : T.O. Abraham  
NAME OF THE RESPONDENT(S) : St Marys Hotels Pvt Ltd + 5 Others  
UNDER SECTION : 241/242

S.No.	NAME (IN CAPITAL)	DESIGNATION	SIGNATURE
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REPRESENTATION BY WHOM

1] B. DHANARAJ -	C for R, 100% - B. Dhanaraj	
2. P. S. Raman Senior Adv. for Rishpa Menon K. Govindham Kumar	Counsel for Petitioner	K. Govindham Kumar

**ORDER**

Counsel for petitioner present. Counsel for respondents also present. Counsel for respondents has filed the details of the agenda to be taken up in the proposed AGM, alongwith, three names are suggested, who are of Hon'ble Justices and any one of them could be appointed as Chairman for supervising the AGM proposed to be held. It is also on record that two names of the Chartered Accountants are also suggested for appointment for the purpose of independent valuers and any one of them is to be appointed for the said purpose. Counsel for the petitioner raised an objection that the respondents have not come with clean hands and have been violating the order of this Tribunal passed on 4.11.2016, in

relation to which he has already filed CA 11/2017. The respondents have already filed a counter with regard to the CA 11/2017. Besides this, he has also taken an objection pertaining to second point of agenda which is being formulated for rectification of Mr Ilyas as Managing Director, who came to be appointed vide resolution dated 14.10.2016. On this issue the counsel for the respondents had agreed that the language of the agenda will be modified suitably in order to put the same as an open agenda before the AGM. During the course of hearing, the counsel for the petitioners has raised an issue that if the AGM is allowed, petitioner will be thrown out by the majority. Counsel for respondents has made a statement across the Bench that till the disposal of the main CP, the petitioner will be continued to be in the management as director for R1 company. The counsel for the petitioner prays time to get instructions from his clients pertaining to the appointment of Chairman for the purpose of supervising the proposed AGM and the appointment of Chartered Accountant. He is directed that prior to the next date of hearing he will provide response to the counsel for respondent that as to which of the names of the Hon'ble Justices is being agreed by the petitioner for appointment as Chairman for the purpose of supervising the AGM and any one of the names of the Chartered Accountants for the purpose of his appointment for valuation of the shares of R1 company. Counsel for the respondents has also prayed to file additional counter to the contempt application keeping in view the allegations of pilferage of the funds levelled by the petitioner against the respondents. Put up on **13.02.2017 at 10.30 A.M.**

  
(Ch. Md. Sharief Tariq)  
Member (Judicial)

  
(K. Anantha Padmanabha Swamy)  
Member (Judicial)