

NATIONAL COMPANY LAW TRIBUNAL
CHENNAI BENCH
CHENNAI

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI
NATIONAL COMPANY LAW TRIBUNAL, HELD ON 05/01/2017 AT 10.30 AM

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

APPLICATION NUMBER :
PETITION NUMBER : CP/2/2016
NAME OF THE PETITIONER(S) : John S. Dorai
NAME OF THE RESPONDENT(S) : M/S The Church of South India Trust Association & others
SECTION : 241

Sl.No.	NAME (IN CAPITAL)	REPRESENTED BY	SIGNATURE
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Sr. ARUNDESIAN
for D. PRANAB SANKARANARAYANAN

1st xch

D. Ball
5/01/17
S. Ball
05/01/17
Shree

S. BHARATHI RAJAN .
R. Padmanabhan

counsel for R 2 to R 11
Petition

S. JAYAKUMAR

Counsel for 3rd Party/
Implementing Petition

ORDER

Counsel for petitioner present. Counsel for respondents present. On the last date of hearing, both the parties have been given chance to argue as to whether in the light of the Hon'ble High Court order dated 28.11.2016, this Tribunal can proceed with the company petition or not. Counsel for the respondents argued that the Hon'ble High Court order provides that there should not be any further proceedings in the matter. However, after perusal of the order of the Hon'ble High Court, it appears that the direction contained in para 18 of the order of this Tribunal pertaining to the removal of the directors and the management of the company has been stayed with a view that there must not have abrupt stoppage of the activities of the R1 company which is a Trust and is running educational institutions. Keeping the same in view, the Hon'ble High Court has passed conditional order. Therefore, it does not appear from the order of the High Court that the proceedings before this Bench has been stayed. So, the respondents are directed to file counter in the matter. In the meantime, counsel for the petitioner has filed an application which has been numbered as CA 49/2016. The same is taken on record. Counsel for respondents is directed to file objections by serving a copy of the same to the other side. Shri S Jayakumar, counsel also stated that he has filed one application for impleadment of the applicant as petitioner. The application is numbered as CA 48/2016. The same is taken on record. Counsel for respondents is directed to file objections in the CA 48/2016 before the next date of hearing by serving a copy to the other side. Counsel for the petitioner has raised an issue that the election to be conducted by the Synod may go on but the members elected must not hold two positions, one as member and the other as a salaried employee of R1 company. The issue which has been raised by the counsel for petitioner can be taken up with the Synod at the time of election. However, the election which is likely to be conducted by Synod of Church on 14 January, 2017 for electing new members of R1 company, shall remain subject to the final outcome of the CA-49/2016. Put up on **25.01.2017 at 10.30 A.M.**


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


(K. Anantha Padmanabha Swamy)
Member (Judicial)