

NATIONAL COMPANY LAW TRIBUNAL
CHENNAI BENCH
CHENNAI





ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI
NATIONAL COMPANY LAW TRIBUNAL, HELD ON 16/12/2016 AT 10.30 AM

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

APPLICATION NUMBER :
PETITION NUMBER : TCP/176/2016 CA-1/2015
NAME OF THE PETITIONER(S) : Dr. K. Narayanan & another
NAME OF THE RESPONDENT(S) : M/s Auromed Hospitals Private Limited & 2 others
UNDER SECTION : 397/398

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

1	THIRYAMBHA KANNAN	Counsel for Petitioner	
2	T. POORNAM R. SAHANA	Counsel for 2nd Respondent	
3	PRIVADARSHINI N For T.K. BHASKAR	Counsel for R3 and R4	
4	S. NAMASIVAYAM	Counsel for 1st Respondent	

ORDER

Counsel for both the parties present. Counsel for respondent, at an earlier point of time has moved one C.A-1/2015 called Memo challenging the maintainability of the company petition u/s 399 of the Companies Act, 1956. Previous order reveals that a direction has been given to counsel for Applicant/Respondent to verify from the Registry whether the document filed was a memo or C.A. On verification, counsel for Applicant/Respondent today has filed C.A. having the same contents as that of the Memo filed by him earlier. The only deficiency in filing the present C.A. is that the payment of fee has not been made due to power failure sequel to cyclone in Chennai. Counsel for respondent/petitioner agreed that the contents of the C.A. are same and similar to which he has already filed reply. Both the parties did agree to argue the maintainability of the petition. We have heard both of them in detail. Counsel for respondent/petitioner is directed to submit additional documents if any before 5th of January 2017 to support his contention that after the pledge of his shares which have been sold subsequently, he still holds 12 shares and fulfils the requirement u/s 399 of the Companies Act, 1956. In case, the counsel for respondent/petitioner is in a position to file additional documents, the copy of the same will be served on the other side. Counsel for applicant/respondent is directed to submit required fee within one week from today for having filed the C.A. Accordingly, the order is reserved in the C.A.


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


(K. Anantha Padmanabha Swamy)
Member (Judicial)