

NATIONAL COMPANY LAW TRIBUNAL  
CHENNAI BENCH  
CHENNAI

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI  
NATIONAL COMPANY LAW TRIBUNAL, HELD ON 19/10/2016 AT 10.30 AM

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

APPLICATION NUMBER :  
PETITION NUMBER : CP/7/2016  
NAME OF THE PETITIONER(S) : Easwaramurthy Arumugam & 4 others  
NAME OF THE RESPONDENT(S) : M/s AUM Consultancy Pvt Ltd & 4 Ors  
UNDER SECTION : 210,213,241,242,243

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

(1) Cibi Vishnu T.V.P. Sai Vihari	Counsel for Petitioner	T.V.P. Sai Vihari
(2) G. Shanthi Meenakshi for Ms. K. Sumathi	Counsel for Respondents 1 to 3	

O R D E R

Shri T.V.P.Sai Vihari, counsel for petitioner present and moved a company petition. Ms. Shanthi Meenakshi representing senior counsel Ms.Sumathi for R1 to R3 present. There is no representation on behalf of R4 and R5. Counsel for petitioner stated that the petitioner is holding 34.61 % shares in the paid up share capital of R1 company and that he is entitled to move the company petition u/s 241 of the Companies Act, 2013 as he has fulfilled all the requirements laid down under section 244 of the Act. Counsel for petitioner has drawn our attention towards various allegations of oppression and mismanagement against Respondents. Counsel for R1 to R3 has given an elaborate factual position about the cases of criminal nature pending against the petitioner. Counsel for R1 to R3 has taken serious objections against the grant of interim reliefs prayed for. Prima facie, the petitioner fulfils the requirements under law for being entitled to file the petition against the respondents for <sup>alleged acts of</sup> oppression and mismanagement in the affairs

of R1 company. In the circumstances, we feel that there is need to have a detailed enquiry into the matter complained of, so we admit the petition for hearing and provide due opportunity to the other side for filing the detailed counter. The submissions of counsel for petitioner with regard to the grant of interim prayers is taken note of. However, it appears appropriate to provide a fair opportunity of hearing the counsel for Respondents before granting any of the interim reliefs. Both the parties are directed to argue with respect to grant of interim prayers on next date of hearing. Counsel for petitioner is directed to serve private notice on R4 and R5 by speed post and to file the proof for sending and effecting services together with an affidavit. The petitioner and Respondents are directed to maintain *status quo* in relation to the position of factory and the office of R1 company that is said to be locked wherein the official record of R1 is purportedly maintained/kept. Put up on **01.11.2016 at 10.30 A.M.**



**(K. Anantha Padmanabha Swamy)**  
**Member (Judicial)**



**(Ch. Mohd. Sharief Tariq)**  
**Member (Judicial)**