

(M1)
26

NATIONAL COMPANY LAW TRIBUNAL
CHENNAI BENCH
CHENNAI

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI
NATIONAL COMPANY LAW TRIBUNAL, HELD ON 22/12/2016 AT 10.30 AM

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

APPLICATION NUMBER :
PETITION NUMBER : CP/16/2016
NAME OF THE PETITIONER(S) : S. Alagurajan
NAME OF THE RESPONDENT(S) : M/s Cheran Hotels Private Limited & 11 others
UNDER SECTION : 241/242

S.No.	Name (in Capital)	Represented by	Signature
-------	-------------------	----------------	-----------

1. Indumathy P
F.K. Ramesh

Counsel for
Respondents

2. Cibi Vishnu
T.V.P. Sai Vihari

Counsel for
Petitioner

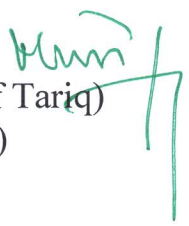
T.V.P. Sai Vihari

ORDER

Shri T V P Sai Vihari, counsel for the petitioner present and moved fresh application. Shri S Aravindan, counsel for R1, R2, R3, R8 & R9, Shri K Ramesh, counsel for R4, Ms P Indumathy, counsel for R7 are present. Counsel for the petitioner submitted that the earlier TCP 204/2016 is already pending disposal and due to subsequent developments wherein some of the immovable properties of R1 company have been sold on 17th and 18th August 2016 and keeping in view the period of limitation contained under Sec.242(g) of the Companies Act, 2013, it was obligatory on him to file the petition that has been presented in the Registry on 16.11.2016 and was numbered as CP16/2016. This was being done in order to

..2..

overcome the period of limitation. He also filed an application in TCP 204/2016 for withdrawal of the earlier petition stating that the permission be granted to withdraw the earlier petition and fresh petition filed be admitted for hearing. Counsel for respondents have objected to the filing of the fresh petition stating that the petitioner could have filed an application for amendment of the petition, if advised or should have followed a proper procedure to first withdraw the petition with the liberty to file fresh petition. In this connection the counsel for respondents present prayed time to file interim counter in the fresh petition and to file objections to the application filed by the petitioner for withdrawal of the earlier petition. At request time is enlarged. In the meantime the Registry is directed to **issue notice to R5, R6, R10, R11 and R12** and the counsel for petitioner is also directed to serve private notice to R5, R6, R10, R11 & R12 and file proof of effecting the service along with an affidavit by the next date of hearing. Put up on **23.01.2017 at 10.30 A.M.**


(Ch Mohd Sharief Tariq)
Member (Judicial)


(K. Anantha Padmanabha Swamy)
Member (Judicial)