

**NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH
CHENNAI**

22

**ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI
NATIONAL COMPANY LAW TRIBUNAL, HELD ON 04/07/2017 AT 10.30 AM**

**PRESENT: SHRI Ch. MOHD SHARIEF TARIQ, MEMBER-JUDICIAL
SHRI S. VIJAYARAGHAVAN, MEMBER - TECHNICAL**

APPLICATION NUMBER : IA/116/2017

PETITION NUMBER : CP/29/2016

NAME OF THE PETITIONER(S) : ALEXANDER CORREYA

NAME OF THE RESPONDENT(S) : THE BHAGYODAYAM CO. & 7 ORS

UNDER SECTION : 241/242

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

IN THE NATIONAL COMPANY LAW TRIBUNAL,
DIVISION BENCH, CHENNAI

CA/116/2017
with
CP/29/2017

Under Sections 241 and 244 of the Companies Act, 2013

In the matter of

M/s. Alexander Correya

Vs.

M/s. The Bhagyodayam Company

Order delivered on 04.07.2017

CORAM :

CH MOHD SHARIEF TARIQ, MEMBER (JUDICIAL)
S. VIJAYARAGHAVAN, MEMBER (TECHNICAL)

For the Applicant(s) : Counsel Mr. Sarath Chandar and Mr. L. Sakthiyel

CH MOHD SHARIEF TARIQ, MEMBER (JUDICIAL)

ORDER

1. The Counsel for the Petitioners moved the Application CA 116/2017 for waiver of the requirements of Section 244 (1) (b) of the Companies Act, 2013 under the proviso to the same.

AR

2. After hearing the Counsel for the Applicants, we are persuaded to waive the requirements of Section 244 (1) (b) of the Companies Act, 2013 and allow the Petition filed under Section 241 of the Companies Act, 2013.
3. It has been submitted by the Counsel for the Petitioners that the Petitioners are members of the 1st Respondent Company who are alleging the acts of oppression and gross mis-management of the 1st Respondent company by the Respondents 2 to 6. The company is limited by guarantee. It has also been averred that R2 has resorted to remove the Petitioners from the membership of the 1st Respondent company by issuing notice dated 19.5.2017. The notice is said to have been issued without compliance with the principles of natural justice.
4. In the facts and circumstances of the case and in view of the submissions made by the Counsel for the Petitioners, we admit the Petition for hearing and direct the Registry to issue notice to the Respondents. In addition, the Petitioners are directed to send private notice by way of


speed post along with copy of the Petition to the Respondents and file the proof of sending and effecting the service thereon by way of an affidavit by next date of hearing.

5. The Counsel for the Petitioners press hard for granting the interim reliefs contained under para 10 (a) and (c). In the light of the prayers made, we are inclined to grant interim prayers made in para 10 (a) and (c) of the Petition as follows:-

- i) The Respondents 1 to 6 or their servants, agents or any other person or persons acting on their behalf are restrained from transferring any immovable property belonging to the 1st Respondent Company, till the disposal of the Petition, and
- ii) The notice dated 19.05.2017 issued by the Respondents seeking to expel the Petitioners 1 and 2 from the membership of the 1st Respondent company is kept in abeyance till the

disposal of the Petition. Put up on 24.07.2017
at 10.30. A.M.


S. VIJAYARAGHAVAN
MEMBER (TECHNICAL)


CH. MOHD SHARIEF TARIQ
MEMBER (JUDICIAL)

pam