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NATIONAL COMPANY LAW TRIBUNAL
DIVISIONAL BENCH
CHENNAI

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI
NATIONAL COMPANY LAW TRIBUNAL, HELD ON 10/04/2017 AT 10.30 AM

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

APPLICATION NUMBER :
PETITION NUMBER : CP/11/2017
NAME OF THE PETITIONER(S) : JAGAN THEVERVELIL
NAME OF THE RESPONDENT(S) : SKY GREEN PLANTATIONS & PRODUCTS PVT LTD
UNDER SECTION : 397/398

S.No.	NAME (IN CAPITAL)	DESIGNATION	SIGNATURE
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RUPA-J. THARAYIL

Counsel for Petitioner




R. PRADEEP

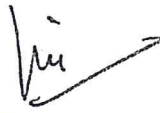
COUNSEL For 3rd RESPONDENT
AVR Associates



p.t.o.

Ms. Rupa J Tharayil, counsel for petitioner present. Shri R Pradeep, counsel for R3 present. Petitioner, before filing the petition served the copy on the respondents and the envelopes were returned as undelivered with an endorsement "no such office and left" with regard to which an affidavit giving proof of sending notices, alongwith delivery tracking record has been placed on record. In view of the same, this Bench, vide order dated 10.3.2017 directed the petitioner to serve notice on R1 & R2 by way of substituted service. Pursuant to the order, the petitioner published the notice by way of newspaper publication in English and another in vernacular language which are said to have wide circulation in the district where the office of the company is situated, i.e., its registered office as per the records. A memo has been filed showing proof of service of notice on R1 & R2. There is no representation on behalf of R1 & R2. The proof of service on R1 & R2 is held sufficient. Therefore, R1 & R2 are proceeded ex parte. Counsel for R3 prayed time for filing counter in the CP. Counsel for petitioner submitted that if R2 is removed from the Chairmanship and Managing Director of R1 company, then the petitioner could switch over to the management of R1 company, will be in a better position to concentrate on the day-to-day affairs and overall management of the company and comply with the statutory obligations and look into the business of R1 company. In the light of the contents of the petition and the submissions made by the counsel for petitioner, we order to remove R2 from the post of Chairman & Managing Director of R1 company and appoint petitioner as the Chairman & Managing Director of R1 company and direct him to take over the day-to-day affairs and management of R1 company for the purpose of performing statutory obligations and taking business of R1 company forward in the right direction by filing a monthly statement before this Bench. However, R2 shall perform the duties of the Director of R1 company. The matter is posted for further hearing. Put up on 30.05.2017 at 10.30 A.M.


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


(K. Anantha Padmanabha Swamy)
Member (Judicial)