

(16)

NATIONAL COMPANY LAW TRIBUNAL  
DIVISION BENCH  
CHENNAI

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI  
NATIONAL COMPANY LAW TRIBUNAL, HELD ON 31/07/2017 AT 10.30 AM

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

APPLICATION NUMBER : TCP/393/(IB)  
PETITION NUMBER : TCP/393/(IB)/2017 ✓  
NAME OF THE PETITIONER(S) : TOLINS TREAD & ALLIED PRODUCTS ✓  
NAME OF THE RESPONDENT(S) : OMNI VISUAL MEDIA PVT LTD  
UNDER SECTION : 433 (e)(f)

S.No.	NAME (IN CAPITAL)	DESIGNATION	SIGNATURE
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S.No.	NAME (IN CAPITAL)	DESIGNATION	SIGNATURE
1.)	R. SARAVANAN FOR SAI BHARATHI, DCAH	Counsel for Respondent	Jmy
2.)	R. DHAMODARAN FOR	Counsel for Petitioner	_____

**ORDER**

Counsel for both the parties present. Counsel for Respondent submitted an order that came to be passed by the Hon'ble High Court of Madras in the OSA Nos.255 and 256/2008 dated 30.09.2008 wherein it has been observed that it shall be open to the Respondents (Petitioner) to take independent action for recovery of interest by separate proceedings and it might be open to plead for exclusion of the time spent in the Company Court to save the bar of limitation. In view of the said observation, the petition has become infructuous. Therefore, in the light of the observation of the Hon'ble High Court of Madras, the Petitioner is at liberty to explore the possibilities of filing of appropriate proceedings before the Court of competent jurisdiction to recover <sup>the</sup> interest part. Accordingly, petition is disposed of.

  
(S. VIJAYARAGHAVAN)  
MEMBER (TECHNICAL)

  
(CH. MOHD SHARIEF TARIQ)  
MEMBER (JUDICIAL)