

NATIONAL COMPANY LAW TRIBUNAL  
SINGLE BENCH  
CHENNAI

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ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI  
NATIONAL COMPANY LAW TRIBUNAL, HELD ON 05/12/2017 AT 10.30 AM

PRESENT: SHRI Ch. MOHD SHARIEF TARIQ, MEMBER-JUDICIAL

APPLICATION NUMBER :  
PETITION NUMBER : TCP/195/(IB)/2017  
NAME OF THE PETITIONER(S) : SREENIDHI TRADING COMPANY  
NAME OF THE RESPONDENT(S) : NOBEL TECH INDUSTRIES PVT LTD  
UNDER SECTION : 433 ( e)(f)

S.No.	NAME (IN CAPITAL)	DESIGNATION	SIGNATURE
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Mr. Chitra Sampath for  
Mr. Sunder Narayan

Counsel for Respondent

Asish Jain for  
For Suresh & Suresh

Counsel for Petitioner

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IN THE NATIONAL COMPANY LAW TRIBUNAL,  
SINGLE BENCH, CHENNAI

**TCP/195 (IB)/CB/2017**

Under Sections 433 (e) & (f), 434 (i) (a) and 439 (i) & (b) of the  
Companies Act 1956

In the matter of

**M/s. Sreenidhi Trading Company**

**Vs**

**M/s. Noble Tech Industries Private Limited**

*Order delivered on 5<sup>th</sup> of December, 2017*


CORAM :

**CH MOHD SHARIEF TARIQ, MEMBER (JUDICIAL)**

*For the Petitioner(s) : Mr. Aashish Jain Lunia, Counsel*  
*For the Respondent(s): Mr. Sundar Narayan, Counsel*

**ORDER**

Per: CH MOHD SHARIEF TARIQ, MEMBER (J)

1. Under reference is a Company Petition No.25 of 2014 which was filed before Hon'ble High Court of Madras by M/s. Sreenidhi Trading Company against M/s. Noble Tech Industries Private Limited under Sections 433 (e) & (f), 434 (i) (a) and 439 (i) & (b) of the Companies Act, 1956 for winding up of the Respondent Company. 

2. The grounds for winding up of the Respondent Company *inter alia* provide that the Petitioner has obtained a decree dated 07.12.2012 from the Principal Senior Civil Judge in relation to OS No. 20/2009. The decree was passed in favour of the Petitioner and against the Respondent to pay Rs.19,36,675/- with interest @ 12% p.a. from the date of the Suit and also the Court Fee, Advocate Fee, totalling Rs.1,80,284/- or to return the materials to the Petitioner within two months from the date of judgement and decree.

3. Thereafter, the Petition has been transferred to this Bench and was renumbered as TCP/195 (IB)/CB/2017. The Counsels appearing on behalf of the parties did not bring to the knowledge of this Bench about the stage of hearing before Hon'ble High Court of Madras when the Petition was transferred. However, when the matter was fixed for final hearing, the Counsels for the parties submitted that the stage of hearing before Hon'ble High Court was that on 01.09.2014, the Counsel for the Respondent appeared and requested the Hon'ble High Court for two weeks' time for filing the counter and the counter was filed. Then, on 16.09.2014, the Counsel for

the Petitioner requested for two weeks' time on the basis of which the adjournment was granted. The Order-sheet indicates that the service on the Respondent was complete as the Respondent caused appearance in the matter and filed the counter. This fact has been admitted by the Counsel for the Respondent during the course of the hearing. Therefore, the Hon'ble High Court is already seized of the matter. Thus the requirement of Rule 26 of the Companies (Court) Rules, 1959, has been fulfilled. Therefore, the case does not fall within the purview of the Companies (Transfer of Pending Proceedings) Second Amendment Rules, 2017, as notified vide GSR 732 (E) dated 29/06/2017 by the Ministry of Corporate Affairs, Government of India.

4. In the light of the above, the Company Petition under reference is returned to the Registry of Hon'ble High Court of Madras for appropriate action at their end.

  
**[CH.MOHD SHARIEF TARIQ]**  
MEMBER (JUDICIAL)

PAM