

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL**

**HYDERABAD BENCH, AT HYDERABAD**

**CP. No. 19/2011**

**TP No.02/HDB/2016**

**Date of Order: 04.10.2016** ✓

Between:

Sh. K. Bhaskar,  
Sai Srinivas House, Chowdary Bazar,  
Matur, Prakasam District,  
Andhra Pradesh-523 301. ✓

.... Petitioner

AND

Amaravathi Textiles Private Limited  
Having its Registered Office at 33-263,  
Kandimalla Road, Pandaripuram,  
Chilakaluripet -522 616, Andhra Pradesh  
& (07) Others

... Respondent ✓

Counsel for the Petitioner

... Mr. S. Chidambaram, PCS

Counsel for Respondent No.1, 2 & 3

.... Mr. V.S. Raju, Advocate

Counsel for Respondent No.4

..... Mr. S. Nagesh Reddy, Advocate

Mr. G. Bhupesh, Advocate ✓

**CORAM:**

HON'BLE Mr. RAJESWARA RAO VITTANALA, MEMBER (JUDL)

HON'BLE Mr. RAVIKUMAR DURAISAMY, MEMBER (TECH)

**ORDER**

**(AS PER Mr. RAJESWARA RAO VITTANALA, MEMBER (JUDL))**

1. The present Petition was initially filed before the Hon'ble Company Law Board (CLB), Chennai Bench, Chennai. Thereafter, the case was transferred to Hyderabad Bench of NCLT, Since the National Company Law Tribunal (NCLT), Hyderabad Bench, has been constituted for the cases pertaining to the states of Andhra Pradesh and Telangana. Hence, we have taken the case on records of NCLT, Hyderabad Bench and deciding the case.
2. Heard Learned Counsels for both the parties
3. CP No.19 of 2011 was filed by the Petitioner under Section 111, 111A, 237, 397, 398, 402 and 408 read with Schedule XI and other applicable provisions of the Companies Act, 1956 by seeking the following reliefs:-
  - a. Permanent injunction restraining the Respondent from removing the Petitioner from directorship in the First Respondent Company.

- b. To issue appropriate directions to the 1<sup>st</sup> Respondent Company to provide Books of Accounts and all the Statutory Registers for inspection from time to time to the Petitioner to perform his duties.
- c. To issue all notices for Board Meetings, AGM & EGM to the Petitioner for all meeting by RPAD.
- d. To appoint Auditor to investigate into the affairs of the company.
- e. To set aside all the transfers made on 11.03.2010 and 22.07.2010 as null and void.
- f. Pass such further or other order or orders under the facts and circumstances of case and thus render justice.

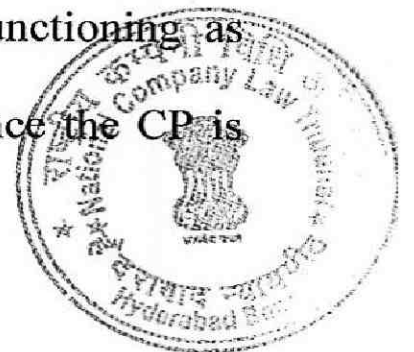
The case was heard by the CLB several times and, also this Bench.

4. The Learned Counsel for the Petitioner filed CA No.29 of 2016 by seeking the following relief:
  - a. Permit the Petitioner to file a Comprehensive Petition.
  - b. The status quo regarding Petitioner's directorship in Respondent No.1 Company, already granted by Hon'ble Company Law Board may be extended for the comprehensive petition,
  - c. Minimum of four weeks' time may be given for filing of comprehensive petition.
  - d. Subject to the above prayers the Company Petition may be permitted to be withdrawn.

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5. The Learned Counsels for the Respondents 1 to 3 and Respondent 4 did not oppose the CA No.29/2016 for withdrawal. The Learned Counsel for the Respondents No. 1 to 3 undertakes to continue the petitioner as Director of the Respondent No.1 Company, but only requests that he should be directed to extend full cooperation as Director of the company for the smooth functioning of the company as Director.

6. In the light of the above submission, the CP is disposed off as withdrawn with a liberty to approach this Tribunal, if the Petitioner is aggrieved by decision of the Respondents. The Respondent No.1 is also directed to continue the Petitioner as one of the Directors of the Board of Directors and the Petitioner is also directed to cooperate with the smooth functioning/running of the affairs of the company as a Director of the Company. The Petitioner is further also directed not to raise any frivolous issues in running of the administration, so as to give scope to file any litigation in future. The Respondent No. 1 to 3 are also directed to act in accordance with law and extend full cooperation to the Petitioner also to discharge his functioning as Director. All the pending CAs are also disposed of since the CP is disposed off.



Sd/-

Sd/-

**RAVIKUMAR DURAISAMY**

**RAJESWARA RAO VITTANALA**

**MEMBER (TECH)**

**MEMBER (JUDL)**

V. Annapoorna  
V ANNA POORNA