

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL

HYDERABAD BENCH, AT HYDERABAD

CA No.27 and 44 of 2016

In

C.P No. 105 of 2012

(TP No.94/HDB/2016)

**CERTIFIED TO BE TRUE COPY
OF THE ORIGINAL**

Date of Order: 03 .11. 2016

Between:

Kotak Mahindra Trusteeship Services Limited

As trustee of India Growth Fund, a unit scheme of Kotak SEAF India Fund, a trust which is registered as a venture capital fund under the Securities and Exchange Board of India (Venture Capital Fund) Regulations, 1996 and, having its registered office at 36-38A, Nariman Bhavan, 227, Nariman Point, Mumbai-400021

..... Applicant/ Petitioner

And

- 1. DRS Logistics Private Limited**
321, 3rd Floor, Kabra Complex,
61 M.G Road, Secunderabad-500003
- 2. Mr. Dayanand Agarwal**
S/o Late Mr. Meher Chand Agarwal
R/o. Plot No.68, AP Text Book Colony
Gunrock enclave, Karkhana
Secunderabad-500009
- 3. Mr. Anjani Kumar Agarwal**
S/o Mr. Dayanand Agarwal
R/o. Plot No.68, AP Text Book Colony

Gunrock enclave, Karkhana
Secunderabad-500009

4. Mr. Sanjay Agarwal

S/o Mr. Dayanand Agarwal
R/o. Plot No.68, AP Text Book Colony
Gunrock enclave, Karkhana
Secunderabad-500009

5. DRS Dilip Roadlines Private Limited

306, 3rd Floor, Kabra Complex, 61, M G Road,
Secunderabad-500003

...Respondents/Respondents

Counsel for Petitioner	:	None
Counsel for the Respondents	:	Sh. Shivkant Arora Sh. E. Venunath

CORAM

Mr. Hon'ble Rajeswara Rao Vittanala, Member (Judicial)

Mr. Hon'ble Ravi Kumar Duraisamy, Member (Technical)

ORDER

[As per Rajeswara Rao Vittanala, Member (J)]

1. The Company Application bearing No. 27 and 44 of 2016 in CP No.105 of 2012 was initially instituted in the then Hon'ble Company Law Board, Chennai. Upon the constitution of National Company Law Tribunal (NCLT) Bench, at Hyderabad for the States of Andhra Pradesh and Telangana, the case was transferred to this Bench as it falls under



the jurisdiction of this Bench. The case is numbered as TP No.94/HDB/2016.

2. The Company Petition No. 105 of 2012 was filed by Kotak Mahindra Trusteeship Services Limited under Sections 397, 398 r/w 402, 403 and Schedule XI of the Companies Act, 1956.
3. As per the attendance-cum-order sheet, CP No.105 of 2012 was disposed of on 18.11.2014 in line with the consent terms dated 14.11.2014.
4. Kotak Mahindra Trusteeship Services Limited (the petitioner of Company Petition) has filed CA No.27 of 2016 under Regulation 44 of Company Law Board Regulations, 1991 by seeking a direction to record consent terms dated 18.11.2015 and make the consent terms part of the order of the Tribunal.
5. Kotak Mahindra Trusteeship Services Limited (the petitioner of Company Petition) has filed CA No.44 of 2016 under Section 634A of the Companies Act, 1956 r/w Regulation 44 of the Company Law Board Regulations, 1991 by interalia seeking a direction to restrain the Respondent No. 2 Group by an order of injunction from using trademarks/logo/brand; to direct the Respondents 2 to 5/Respondent

No.2 Group to disclose their assets on oath to the Board in terms of Order XX1 Rule 41 of Code of Civil Procedure, etc.

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6. After transferring above CAs from Company Law Board to this Bench, the case was listed on 29.07.2016, 01.09.2016, 19.09.2016, 17.10.2016, 02.11.2016 and 03.11.2016. None appears for petitioners but some counsels appeared for respondents. In the circumstances, it was last listed for dismissal on 03.11.2016 and the same was listed under the head "For Dismissal" in the causelist of NCLT, Hyderabad Bench and the same is available in the website of NCLT. None appears for both parties. Hence it shows, the Petitioner is not interested to prosecute the case further.
7. In the result, CA No 27 and 44 of 2016 is dismissed for default for non-prosecution. No order as to cost.

Sd/-

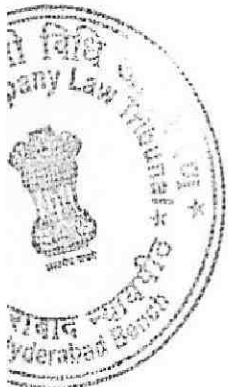
RAVIKUMAR DURAISAMY

MEMBER (T)

Sd/-

RAJESWARA RAO VITTANALA

MEMBER (J)



V. Annapoorna
V. ANNA POORNA
Asst. DIRECTOR
NCLT, HYDERABAD - 68