

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL.

HYDERABAD BENCH, AT HYDERABAD

CP No.43 of 2011

(TP No.52/HDB/2016)

Date of Order: 20.12.2016.

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

BETWEEN:

Smt. Lakshmi Sujatha Tummala
D/o Sitaramaiah Tummala
Aged 53 years,
Flat No.26, 6th Floor,
V.S. Plaza, Nacharam,
Hyderabad – 500 076

...Petitioner

And

1. Dawn Projects Private Limited,
Flat No.409, Sai Durga Gardens,
Opposite HMT Nagar,
Nacharam Road,
Habsiguda,
Hyderabad – 500 076.
2. Mr. Annavajhala Ramanand,
S/o A N V Prasad,
Aged: 37 years,
Opp: Panchayat Office, Guduru Mandal,
Krishna District,
Guduru Mandal – 521 149.

... Respondents

Counsel for the Petitioner:

...None

Counsel for the Respondent No.1 & 2

Sri Y.Suryanarayana

CORAM:

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



ORDER

(AS PER RAJESWARA RAO VITTANALA, MEMBER (J))

1. This Company Petition No.43 of 2011 was initially filed before the then Hon'ble Company Law Board, Chennai (CLB) in May 2011 and the case was taken up by the CLB and adjourned the matter on several occasions. Ultimately the case was transferred to National Company Law Tribunal, Hyderabad Bench, in July, 2016, since the case relates to the States of Andhra Pradesh and Telangana. Accordingly, the case was taken on the records of NCLT, Hyderabad Bench.
2. The Company Petition was filed by Smt Lakshmi Sujatha Tummala, under Sections 237, 397 & 398, of the Companies Act 1956. The 1st Respondent Company was incorporated as a private limited Company on 23rd June, in the year 2006 with its registered office at 1-10-372/D-205, Brahmanawadi, Begumpet, Hyderabad with an authorised share capital of Rs.1,00,000/- (Rupees one lakh) divided into 10,000 (ten thousand only) equity shares of Rs.10/- (Rupees Ten) each and issued and paid up capital was Rs.1,00,000/- (Rupees One Lakh only) divided into 10,000/- (Ten Thousand only) equity shares of Rs10/- (rupees ten) each of the 1st Respondent Company. The Petitioner is also a Director of the Company.
3. The main objects of the 1st Respondent Company is to carry on in India/or abroad the business to build, construct, promote, develop, demolish, run, maintain, purchase, sell, acquire, enlarge, rebuild, to act as consultants etc

The following main reliefs are sought in the CP:

- a) to declare that the acts of the Respondent No.2 are oppressive and Prejudicial to the interest of the Company and the Petitioner.
- b) to direct an investigation into the affairs of the 1st Respondent Company and surcharge the 2nd Respondent to make good the loss



caused to the 1st Respondent Company by their various acts of mismanagement.

- c) to restrain the 2nd Respondent to represent before the Government of Andhra Pradesh and other statutory authorities till this Petition is disposed.
- d) To grant such other relieves as the Hon'ble Bench may deem fit in the interest of justice and equity.

4. Consequent on transfer of the Company Petition to Hyderabad Bench, the same was taken on record of this Bench and it was first listed on 25.07.2016. Sri N. Madhusudan counsel for the petitioner represented on behalf of his senior counsel Sri Milind G. Gokhale and none appeared for the respondents. Even on subsequent adjournments i.e., on 02.08.2016, 18.08.2016, 17.09.2016, inspite of issue of notices by the Tribunal, directing the parties to attend for hearings on the above dates. On 03.10.2016. Sri A. Ramanand, Respondent No.2 appeared in person and requested time to engage an Advocate for the Respondents 1 and 2. Hence, the case was posted to 20.10.2016. On 20.10.2016, Counsel for the petitioner appeared. Sri Y. Suryanarayana, learned counsel, offered to file Vakalat for all the respondents. At the request of the both parties the case was posted for final hearing on 17.11.2016. On 17.11.2016, at the request of Sri Y. Suryanarayana, learned counsel for Respondents case posted to 30.11.2016 for final hearing. On 30.11.2016, when the case came up for hearing, both the counsels requested for adjournment and accordingly case was posted to 08.12.2016. On 08.12.2016, none appeared for the Petitioner and Sri Y. Suryanarayana appeared for the Respondents and posted the case for final hearing on 16.12.2016. Then the case was posted finally for dismissal on 20.12.2016.



5. On 20.12.2016, when the case was called, neither the petitioner nor any representative present. Sri Y. Suryanarayana, counsel for respondent

present and reports ready. The above circumstances shows that the petitioner is not interested to prosecute the case further. It is also to be mentioned here that cause list of NCLT, Hyderabad Bench is being uploaded everyday on NCLT Website (www.nclt.gov.in). In the circumstances, we have no alternative except to dismiss the CP No.43 of 2011 for default for non-prosecution of the case. No orders as to costs.

Sd/-

RAVIKUMAR DURAISAMY
MEMBER (TECH)

Sd/-

RAJESWARA RAO VITTANALA
MEMBER (JUDL)

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