

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH, AT HYDERABAD**

C.P. No. 58 of 2014

(TP No.70/HDB/2016)

Date of Order: 6.10.2016

Between:

1. Sh. Amol Deshmukh S/o Sri Jairam Deshmukh
Aged 42 years R/o H. No. 4-4-44/8
Patel Marg, Near Gandhi Printing Press
Bhoktapur,
Adilabad, Telangana -504001
2. Sh. Abhay Deshmukh
S/o Sri Jairam Deshmukh
Aged 38 years, R/o H.No. 4-4-44/8
Patel Marg, Near Gandhi Printing Press
Bhoktapur,
Adilabad, Telangana -504001
3. Sh. Anand Deshmukh
S/o Sri Jairam Deshmukh
Aged 38 years, R/o H.No. 4-4-44/8
Patel Marg, Near Gandhi Printing Press
Bhoktapur,
Adilabad, Telangana -504001

...Petitioners

And

1. Mahalakshmi Natural Resources Private Ltd
[A Company incorporated under the provisions
Of Companies Act, 1956] and having its
Registered office at H.No. 3-3-201/3,



Station Road,

Adilabad, Telangana-504001

2. Sh. Sanjay Kumar Agarwal

S/o Sri Gourishankar Agarwal

Aged 44 years, R/o H.No. 3-3-201/3

Station Road,

Adilabad, Telangana-504001

3. Sh. Pail Shanker, S/o Sri Adullu

Aged 43 years, R/o Ada Village

Nirala Post, Jainath Mandal

Adilabad, Telangana-504001

..... Respondents

Counsel for the Applicants :

Shri Sandeep Reddy S

Counsel for the Respondents :

Shri Naresh Tiwari
Practising Company Secretary

CORAM

Hon'ble Mr. RAJESWARA RAO VITTANALA, MEMBER (JUDL)

Hon'ble Mr. RAVI KUMAR DURASAMY, MEMBER (TECH)

ORDER

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

1. The Company Petition bearing no. 58 of 2014 was initially filed in the then Hon'ble Company Law Board, Chennai. Upon the constitution of 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 re- numbered as **TP No.70/HDB/2016**.
2. The Company Petition was filed by Sh. Amol Deshmukh and 2 others (herein after referred to as the Petitioners) under sections 397, 398 read with Section 402 and 403 of the Companies Act, 1956 by inter alia seeking

a direction to the respondents to re-constitute the Board of Directors of the Respondent No. 1 Company so as to give proportionate representation to the petitioners on the Board of Directors of the Company etc.

The Respondent No. 1 Company was incorporated on 13th August, 2010. In the Company, only the respondent No. 2 and 3 are first Directors. The Petitioners and respondent No. 2 & 3 are promoters of the Company and, are subscribers to the Company. The Petitioners and the Respondents No.2 & 3 hold 2000 shares each in the Company. The main objects of the Company is to carry on the business of mining, exploring, frilling, manufacturing, producing etc.

3. Heard the counsel for the both parties and have carefully perused the pleadings.
4. The Learned counsel for the respondents filed a memo today by stating that the respondent No. 2 & 3 have agreed to appoint the petitioner No. 1 to 3 as additional Directors of the Respondent No.1 Company. Accordingly, the Board of Directors of the Respondent No. 1 Company was held on 30th September, 2016 at the registered office of the Company and, resolved by the three separate resolutions by appointing all the three petitioners as Additional Directors with immediate effect. Extracts of Minutes of the meeting of Board of Directors appointing the petitioners as Additional Directors are filed and they are taken on record.
5. Shri Naresh Tiwari, Practising Company Secretary, who is duly authorised to represent before NCLT, has further submitted that the petitioners would be appointed as regular Directors soon, after duly following relevant rules as per its Articles of Association and the Companies Act, 2013.
6. The Learned counsel for the petitioners, while accepting appointment of petitioners as Additional Directors, has further submitted that he would be satisfied, if a direction is given to the respondents to appoint the petitioners

as regular Directors at an early date. And both the learned counsels have agreed for the disposal of the present Company petition with the above direction.

7. In the light of above submission of the both the counsels, the Company petition No. 58 of 2014 is disposed off by directing the respondents to appoint all the three petitioners herein as regular Directors of the first Respondent Company at the earliest possible time, by duly following relevant provisions contained in the Articles of Association of the first Respondent Company and, also relevant provisions of Companies Act, 2013. No order as to costs.

Sd/-

RAVIKUMAR DURAISAMY

MEMBER (TECH)

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

Sd/-

RAJESWARA RAO VITTANALA

MEMBER (JUDL)

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

