

**BEFORE THE NATIONAL. COMPANY LAW TRIBUNAL**

**HYDERABAD BENCH AT HYDERABAD**

**C.P. No.42 of 2011**

**(T.P. No.51/HDB/2016)**

**Date of Order: 07.10.2016.**

**Between:**

1. Malaxmi Infra Ventures (India) Private Limited,

Flat No.305, Udaya Vensar, Plot No.59 to 61,

Jubilee Gardens, Kothaguda,

Hyderabad – 500 084.Telangana.

Represented by its Chairman

Mr. Y. Harish Chandra Prasad.

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

2. Mr. Y. Harish Chandra Prasad,

Plot No.371, Road No.24, Jubilee Hills,

Hyderabad – 500 033

... Petitioners.

**Versus**

1. Brahmani Infratech Private Limited,

6-3-1109/1, Nava Bharat Chambers,

Raj Bhavan Road, Hyderabad – 500 082.

2. Mr. Devineni Ashok,

6-3-1109/1, Nava Bharat Chambers,

Raj Bhavan Road, Hyderabad – 500 082.

3. Mr. Gorthi Ramakrishna Prasad,

6-3-1109/1, Nava Bharat Chambers,

Raj Bhavan Road, Hyderabad – 500 082.



4. Mr. Pinnamaneni Trivikrama Prasad,  
6-3-1109/1, Nava Bharat Chambers,  
Raj Bhavan Road, Hyderabad – 50082.
5. Mr. Malempati Venu Gopal Rao,  
6-3-1109/1, Nava Bharat Chambers,  
Raj Bhavan Road, Hyderabad – 500 082.
6. Nava Bharat Ventures Limited,  
6-3-1109/1, Nava Bharat Chambers,  
Raj Bhavan Road, Hyderabad – 500 082.
7. Mantri Technology Parks Private Limited,  
Mantri House, No.41, Vittal Mallya Road,  
Bangalore – 560 001.  
Karnataka.
8. Mr. Sushil Mantri,  
Mantri Technology Parks Private Limited.  
Bangalore – 560 001.
9. Mr. Sanjay Omkarnath Malpani,  
Brahmani Infratech Private Limited,  
6-3-1109/1, Nava Bharat Chambers,  
Raj Bhavan Road, Hyderabad – 500 082.
10. Mr. Rajesh Omkarnath Malpani  
Brahmani Infratech Private Limited,  
6-3-1109/1, Nava Bharat Chambers,  
Raj Bhavan Road, Hyderabad – 500 082.

...Respondents



Counsel for the Petitioners:	...None appeared
Counsel for the Respondent No. 1 to 6	...Shri Y. Suryanarayana
Counsel for the Respondents No. 7 to 10	... Ms. B. Saroj

**CORAM;**

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

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

**ORDER**

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

1. The Company Petition was initially filed before the Hon'ble Company Law Board, Chennai Bench, at Chennai. Upon the constitution of NCLT Bench at Hyderabad for the States of Andhra Pradesh and Telangana, the main case along with pending CAs is transferred to Hyderabad Bench. Hence, we are deciding the case.
2. The Company Petition was filed under Section 397/398 of the Companies Act, 1956 by inter-alia seeking a declaration that the alleged board meeting of the Respondent No.1 Company held on 28.05.2010 and 23.09.2010 as illegal, void; to grant permanent injunction from altering the share capital and not to enter into any material contract with the remaining respondents or any third party etc.
3. When the case was transferred to this Bench, it was listed on 25.07.2016, 16.08.2016, 31.08.2016, 23.09.2016, 05.10.2016 and



today i.e., 07.10.2016. Notice was also ordered by this Bench and notices were sent to all the parties on 31.08.2016 by speed post to all the parties. Notices sent to Petitioners were returned by the Postal department with an endorsement addressee left". The Tribunal cause list is being displayed in the website of NCLT regularly. In the cause list dated 07.10.2016, the above CP was listed with the caption "for dismissal".

4. Shri Y. Suryanarayana, Learned Counsel representing Respondents No.1 to 6 appears on all the above dates. Ms. B. Saroj, Counsel appears for the Respondents No. 7 to 10 on 23.09.2016, 05.10.2016 and 07.10. 2016.
5. None appears for the Petitioners on the above dates. It indicates that the Petitioners are not interested to prosecute the case.
6. In the above circumstances, the Tribunal is left with no option except to dismiss the CP for non-prosecution. Hence, we dismiss the CP No. 42/2011 (TP No. 51/HDB/2016) for non-prosecution.

Sd/-

RAVIKUMAR DURAISAMY

MEMBER (TECH)

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

Sd/-

RAJESWARA RAO VITTANALA

MEMBER (JUDL)

