

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL**

**HYDERABAD BENCH AT HYDERABAD**

**CP No. 55 OF 2014**

**(TP No. 119/HDB/2016)**

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

**Date of Order: 16.01.2017**

**Between:**

1. Mr. N. Sekhar Reddy  
Road No. 7, Banjara Hills, Flat No. 401,  
Hillcrest Apartments, Hyderabad
2. Mr. N. Dharnidhar Reddy  
Road No.7, Banjara Hills, Flat No. 401,  
Hillcrest Apartments, Hyderabad

... Petitioners

**AND**

1. Neni-Hitech Club Private Limited  
No. 169, Lal Bungalow Old Airport Road,  
New Bowenpally,  
Secunderabad -500011
2. Mr. M. Balwant Reddy  
19/5/88, Plot No. 457, 186/2 SRT HNo  
10/3/513 Vijay Nagar Colony,  
Hyderabad, Telangana
3. Mr. S. Bal Raj Sunkari  
No. 1/2//173, Kamsaari Bazaar  
New Bowenpally,  
Secunderabad, Telangana
4. Mr. A. Satyanandam  
H.No. MIG 83/3, Phase III KPHB Colony,  
Hyderabad, Telangana
5. Mr. Hanumanchandu Guttigonda  
H. No. 10-1-700, West Marredpally,  
Secunderabad, Telangana



6. Mr. Narayana Rao Guttikonda  
H.No. 10-1-700, West Marredpally  
Secunderabad, Telangana

7. Mr. K. Mahesh Goud,  
3-2-173, Rahmath Bagh,  
Kachiguda  
Hyderabad, Telangana

8. L. Amruthamma

9. L Vijay Kumar Reddy

10. Mr. L. Bal Reddy  
Respondents 8,9,10  
Residing at  
Madharam Village,  
Milgil Madal  
Mahaboob Nagar District

..... Respondents

Counsel for the Petitioners: Dr. S.V. Ramakrishna

Counsel for the Respondent Nos 2,3, 5 to 10: Sh. V. Venkata Rami Reddy

**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 bearing number 55 of 2014 was initially filed before the Hon'ble Company Law Board, Chennai Bench, Chennai (CLB). Since the National Company Law Tribunal

(NCLT) Hyderabad Bench has been constituted for the cases pertaining to the States of Andhra Pradesh and Telangana, the case is transferred to Hyderabad Bench. Hence, we have taken the case on records of NCLT, Hyderabad Bench and deciding the case.

2. Heard Dr. S.V. Ramakrishna for the Petitioners and Sh. V. Venkata Rami Reddy for Respondent Nos 2,3, 5 to 10.
3. The present Company Petition is filed under Section 397, 398 by seeking following reliefs:

- a. To declare and set aside the increase of authorized capital from Rs. 22,00,000/- to Rs. 35,00,000/- and to restore the authorized capital of Rs. 22,00,000/-;
- b. To declare the meeting alleged to have been held on 07.11.2013 for increasing the authorized capital as illegal and void;
- c. Cancel the allotment of 13000 equity shares of Rs.100 each amounting to Rs. 13,00,000/- purported to have been allotted to Respondent No.5 as the same is illegal and void;
- d. To declare the purported removal of Petitioners from the post of Directors and that of Petitioner No. 1 from the post of Managing director and to declare that they continue to be Directors; etc.



4. The Hon'ble CLB passed an Order dated 13.10.2014 by directing the Petitioner to amend the Petition, by including Section 111 along with other provisions of the Companies Act, 1956. Accordingly, the Petitioner has filed CA No. 1 of 2014 by seeking amendment. However, CA No.1

of 2014 was dismissed as withdrawn with a liberty to file fresh Company Application on the ground that the cause-title was incomplete. While the matter was pending before the Hon'ble CLB, the case was transferred to this Bench as mentioned above. The Learned Counsel for the Petitioners submits that instead of filing fresh Company Application for amendment of the present Company Petition, it would be appropriate to file fresh Company Petition by taking all pleas available to the Petitioner. Hence, he wants to withdraw the present Company Petition with a liberty to file fresh Petition. He also submits that, in terms of Rule.64 of NCLT Rules, 2016, the Tribunal is empowered to permit to file fresh application for circumstances mentioned above.

5. Learned Counsel for the Respondents has no objection for the same.
6. In view of the above facts and circumstances of the case, CP No. 55 of 2014 is disposed of as withdrawn with a liberty to the Petitioner to file fresh Company Petition for the same cause of action by taking all available pleas.



Sd/-

**RAVIKUMAR DURAISAMY**

**MEMBER (T)**

Sd/-

**RAJESWARA RAO VITTANALA**

**MEMBER (J)**

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