

CERTIFIED TO BE TRUE COPY
OF THE ORIGINAL

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

**CP No.11 of 2009
(TP NO.35/HDB/2016)**

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

Date of Order: 20.12.2016

Between:

Chalasani Koti Ravi Kiran,
62-2-23, Patamata Lanka,
Vijayawada,
Andhra Pradesh.

... Petitioner

And

1. M/s Service Link International Limited,
8-3-945/A/12, S1, Nagarjuna Nagar,
Ameerpet,
Hyderabad – 500 073,
Andhra Pradesh.
2. Nallamothe Satyanarayana (deceased)
3. Ms. Mandava Ramadevi,
Flat No.301, Dreams Apartments,
Road No.3, Banjara Hills,
Hyderabad – 500 034,
Andhra Pradesh.
4. M/s Expo Soft India Private Ltd.,
Represented by its Director,
8-3-945/A/12, N1, Nagarjuna Nagar,
Hyderabad – 500 073,
Andhra Pradesh.
5. Dr. Balajee G. Nallamothe
555, S. Woodward Avenue
Apt. no. 603
Birmingham Michigan USA, MI 48009
6. Dr. Sivaji Nallamothe
7427, Foxburg Court
Clarkston Michigan
USA, MI 48348



7. Dr. N. Brahmaji Nallamothe
3 Heatheridge
Ann Arbor, USA MI 48104

8. Ms. N. Sreedevi Lohier
17 Phin Avenue
Toronto, Ontario
Canada ONT M4J3T1

9. Udaya L. Nallamothe
3478, Lone Pine Rd.
West Bloom Field
Michigan USA MI 48323

...Respondents

Counsel for the Petitioner:

Sri V. Hariharan

Counsel for the Respondent No.3

Sri DVAS Ravi Prasad

Counsel for the Respondent No.4 to 9

Ms Divya Datla

CORAM:

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

Hon'ble Mr. Ravikumar Duraisamy, Member (Technical)

ORDER

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

1. This Company Petition No.11 of 2009 was initially filed before the then Company Law Board, Chennai (CLB) in the year January, 2009 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 and posted the case on the following dates before the Bench.



2. The case was first listed on 22.07.2016 and subsequently posted to 04.08.2016, 19.08.2016, 17.09.2016 and the Registry was directed to issue notice to the parties to attend for hearing on 13.09.2016 and also on 28.09.2016, On 28.09.2016 Counsels for Petitioner and Counsel for Respondents No. 5 to 9 appeared and sought adjournment, and the case was adjourned on 18.10.2016 subsequently to 11.11.2016 and 18.11.2016 and posted the case for final hearing on 8.12.2016. On 08.12.2016 the case was part heard and posted to 15.12.2016. On 15.12.2016 at the request of the counsel for Petitioner it was adjourned to 20.12.2016.
3. The Company Petition was filed by Sri Chalasani Koti Ravi Kiran, under sections 397, 398, 237, 111 and 402 of the Companies Act, 1956, read with Regulations 13 and 14 of the Company Law Board Regulations, 1991, by inter alia seeking following reliefs:
 - a. to declare that the acts of Respondent No.2 to 4 as oppressive to the shareholders of the company in general and the petitioner in particular and constitute acts of mismanagement;
 - b. to direct the Respondents No.2 and 4 to carry out the management of the company strictly in accordance with the Articles of Association;
 - c. to declare that the Respondents No.3 and 4 are unfit to act as directors of the company, etc.
4. On 20.12.2016, heard Sri V. Hari Haran, learned counsel for the Petitioner and Ms Divya Datla for Respondents 4 to 9 and Sri DVAS Ravi Prasad, learned counsel for Respondent No.3. Perused all the pleadings along with supported documents filed by the both parties. The learned counsel for the petitioner while reiterating various contentions raised in the company petition in support of his case has admitted that he would be satisfied if a direction is given to the company to convene a meeting within the stipulated period duly serving notice to the petitioner, duly following the articles of association and Companies Act, 1956 and 2013. Since the case was initiated in the year 2009 and lot of



developments have taken place in the case after initiation of the case, the learned counsels for the Respondents have not opposed to the above proposition of the learned counsel for the Petitioner.

5. We have carefully gone through the various averments made by the parties in their respective application/company petition and replies filed by the respondents along with supported documents. It is true that the petitioner has made serious allegations, oppressions and mismanagement so as to warrant interference into the matter by the Tribunal. However, the learned counsel for both the parties are not so particular to adjudicate all the issues raised in the company petition. In view of the long passage of time of more than seven years, so many developments have taken place and instead of placing all the developments taken place pursuant to the filing of the present company petition, it would be just and proper to dispose of the CP with directions. We are also of the prima facie view that proper notices are not issued to the petitioner for the various Board meetings and general meetings conducted by the Company.
6. In view of the above facts and circumstances of the case, we dispose off the CP No.11/2009 with a direction to the Respondents to convene appropriate meeting of the company within a period of one month from the date of receipt of the copy of this order, after duly serving notice to the petitioner along with other parties well in advance. The Petitioner is also at liberty to raise all his grievances including the grievances raised in the present company petition. No orders as to costs.



Sd/-

Sd/-

RAVIKUMAR DURAISAMY

RAJESWARA RAO VITTANALA

MEMBER (TECH)

MEMBER (JUDL)

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