

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

CP No. 56 of 2012

(TP No.65/HDB/2016)

Date of Order: 05.12.2016

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

Between:

1. Mr. Anil Khosla
S-479, Greater Kailash-I,
New Delhi-110048
2. Mr. Prem Mankad
R/o 12/46, Punjabi Bagh West
New Delhi-110026

...Petitioners

And



1. Texcel Infotech Private Limited
Plot No.59, Sanjeev Colony
E. Maredpally
Secunderabad
2. Mr. RavinderBurju
Flat No.402, Golden Towers,
Street No.8, Habsiguda,
Hyderabad-500007.
3. Mr. S. Balaji Singh
8-141, Sri Venketeswaranagar,
Malkajgiri,
Hyderabad-500047

...Respondents

Counsel for Petitioners:

None

Counsel for Respondents:

None

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 No. 56 of 2012, was initially filed before the Hon'ble Company Law Board, Chennai Bench, Chennai. Since the 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 it.



2. The Company Petition has been filed by the petitioner under Section 397, 398, 402 & 403 of the Companies Act, 1956 by making various allegations of oppression and mismanagement and thus inter alia sought directions to pass an order of Mandatory injunction directing the respondent No. 2 & 3 to produce all documents in respect of acts done without the inclusion of the petitioners; to investigate into the affairs of the company; to pass an order directing re-imbursement of all expenses etc.

3. The case was initially taken up by the then Company Law Board on 29.05.2012 and ordered notice and subsequently several times listed before it. And the records disclose that the pleadings of the case are completed as early as 02.02.2016.

4. After constitution of this Bench, the case was listed before the Bench on 26.07.2016, 18.08.2016, 09.09.2016, 19.09.2016, 30.09.2016, 18.10.2016, 17.11.2016, 25.11.2016. and finally the case was posted on 05.12.2016 under the caption "For Dismissal".

As the Bench is newly constituted, we have also ordered notice to both the parties and the notice dated 01.09.2016 was dispatched on 07.09.2016. Even though few counsels represented on few occasions (vakalat was filed by none) but none came forward to argue the case. In the above circumstances, the case was last directed to be listed under the caption for dismissal on 25.11.16 and thus it was listed on 5.12.2016. Neither the parties nor their counsels appear for the parties even today. Apart from notice, cause list of NCLT, Hyderabad Bench is being displayed daily on its website www.nclt.gov.in for quick information of all the parties. So it shows that the parties are not interested to prosecute the case further. Hence, we have no other alternative except to dismiss the case for its non-prosecution.



5. In view of the above facts and circumstances of the case, we hereby
dismiss CP No. 56 of 2012 for default. No order to costs.

Sd/-

RAVIKUMAR DURASAMY

Member (T)



Sd/-

RAJESWARA RAO VITTANALA

Member (J)

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OF THE ORIGINAL**

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