

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

**CP No.99 of 2012**

**(TP No.93/HDB/2016)**

**Date of Order: 19.12.2016.**

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

**Between**

1. Sri Suraj Paul Dias,  
28, Quiet, Lands, Old Bombay Road,  
Gachibowli, Hyderabad – 500 032.

... Petitioner

And

1. Velocity Networks Private Limited,  
# 5-05, Cyber Pearl, Block I,  
Hitech City Main Road, Madhapur,  
Hyderabad – 500 081.
2. Dr. Mohana R. Velagapudi (Citizen of USA)  
61, Hickory Ct, Rock Island,  
IL 61201, USA,  
Also at 8-2-277/B Ground Floor Inwinex Towers,  
Road No.2, Banjara Hills,  
Hyderabad - 500 034.
3. Ve En Promoters Private Limited,  
8-2-277/B, Ground Floor Inwinex Towers,  
Road No.2, Banjara Hills,  
Hyderabad – 500 034.
4. Penmesta Venkata Subba Raju,  
Plot No.372, Road No. 22,  
Jubilee Hills,  
Hyderabad – 500 033.



5. Sri Ramaraghavulu Pujari,  
House No.8-2-601/1/E,  
Road No.10, Banjara Hills,  
Hyderabad – 500 034.

...Respondents

Counsel for the Petitioner:

...None

Counsel for the Respondents:

...Sri G. Bhupesh.

**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 No.99 of 2012 was initially filed before the Hon'ble Company Law Board, Chennai Bench, Chennai. Since the National Company Law Tribunal, Hyderabad Bench (NCLT) has been constituted for the cases pertaining to States of Andhra Pradesh & Telangana, the case is transferred to NCLT. Hence, we have taken it on records of NCLT, and deciding it.
2. The Company Petition was filed under sections 397 and 398 of the Companies Act, 1956 read with schedule 11 of the Companies Act, 1956 and Regulations 13 and 14 of the Company Law Board Regulations, 1991, by Sri Suraj Paul Dias, the petitioner herein, by inter alia seeking to declare that the acts of Respondents 2 to 5 are oppressive to the



shareholders of the company in general and, the petitioner in particular and, constitute the acts of mismanagement of the affairs of the company; to declare the Respondents 2, 4 & 5 are unfit to act as Directors of the Company and to restrain them from interfering in the affairs of the company, etc.

3. The Company Petition was transferred to Hyderabad Bench and the same was taken on record of this Bench and, it was first listed on 29.07.2016. None appeared for both the parties. So, the case was posted to 17.08.2016 and, on this date also, none appeared for the parties. So, the Tribunal ordered Registry to issue notices to all the parties of the case by speed post. Accordingly, a letter was sent to all the parties by speed post vide letter No.CP.99/2012 & TP/93/HDB/2016/275-280, dated 22.08.2016 by intimating about the next date of hearing as 09.09.2016. On 09.09.2016 Sri B. Bharath Reddy offered Vakalat on behalf of the petitioner and Sri G. Bhupesh offered vakalat for R-1 to R-3 and, thus posted the case to 27.09.2016. On 27.09.2016, Sri Suraj Paul Dias, the petitioner herein, appeared in person, and requested time to engage a senior counsel from ORIEN LAW and thus requested time to post the case on 07.11.2016. Sri G. Bhupesh submitted that he was filing vakalat on that day to file rejoinder. The case was again listed on 07.11.2016.

The petitioner as well Sri Bhupesh appeared and requested time and thus the case was again listed on 29.11.2016. On 29.11.2016, neither the petitioner nor any representative present. However, Sri G. Bhupesh represented the Respondents. So, the case was again posted on 09.12.2016. On 09.12.2016 also none appeared for the petitioner and Sri



G. Bhupesh appeared for the respondents. Hence, the case was directed to be listed on 09.12.2016. However, it was not listed on 9<sup>th</sup> December, 2016, but it was directed to be listed on 16.12.2016 under the caption for dismissal. On this date also, neither the petitioner nor any representative present. Accordingly, the case was again listed today i.e., on 19.12.2016 under the caption for Dismissal. Today also, neither the petitioner nor his representative present, however, Sri Bhupesh, represented for the respondents.

4. It is to be stated that the cause list of the NCLT, Hyderabad Bench is being uploaded everyday on NCLT Website ([www.nclt.gov.in](http://www.nclt.gov.in)). Though the case was instituted in the year 2012, from the above facts of non-appearance on various dates by the Petitioner, it is concluded that the petitioner is not interested to prosecute the case further. In the above circumstances, we have no other alternative except to dismiss the CP No.99 of 2012 for default for non-prosecution of the case. Hence, we dismiss the case for default.



Sd/-

**RAVIKUMAR DURAISAMY**  
**MEMBER (TECH)**

Sd/-

**RAJESWARA RAO VITTANALA**  
**MEMBER (JUDL)**

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