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BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH AT HYDERABAD
CA No.56/621A/HDB/2016

Date of Order: 07.10.2016.

Between:

1. DIM DIM Software Private Limited,
Having its Registered Office at:
59-Whisper Valley, Raidurg,
Hyderabad – 500008

2. Rafeal Edgar Brown,
S/o Thomas E. Brown,
R/O 433 Clark Drive,
San Mateo, CA, 94402,
United States of America,
Former Director.

3. Stephen Edward Houck,
S/o Fred C. Houck,
R/o 144, 3rd Street, #523,
SAN JOSE, CA, 95112,
United States of America,
Former Director.

4. Lynette Li Chen Seah,
D/o Victor Tionghin Seah
R/o 5A Brighton Avenue,
Singapore,
Former Director.



...Applicants

Counsel for the Applicants

...None appeared

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ORDER

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

1. This present application was initially filed before the Hon^{ble} Company Law Board, Chennai Bench, Chennai. Since the NCLT Hyderabad Bench has been constituted for the cases relating to the States of Andhra Pradesh and Telangana, the case is transferred to Hyderabad Bench of NCLT. Hence, we have taken the case on records of NCLT, Hyderabad Bench and deciding the case.
2. The present Company Application No.56 of 2016 has been filed by the Applicants U/s 621A of the Companies Act 1956 r/w Regulation 40(1) of the Company Law Board Regulations 1991 for composition of offence U/s 159 of the Companies Act, 1956.
3. The matter was posted for hearing on several occasions i.e., on 18.08.2016, 31.08.2016, 05.09.2016, 07.09.2016, 03.10.2016, 06.10.2016 and today i.e., on 07.10.2016. When the case was called on the above dates, neither the applicants nor their representatives were present.
4. The cause list of the NCLT, Hyderabad Bench is being placed on the Web Site regularly. The Bench also issued registered notices on 20.09.2016 and 03.10.2016 and sent to the given address in the petition. The letter addressed to Dim Dim Software Pvt Ltd., was

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for DISMISSAL on 06.10.2016, again on 07.10.2016. None appeared for the Applicants even on these two dates.

5. The record discloses that the Registrar of Companies has addressed a letter to the Asst. Registrar, NCLT, Hyderabad Bench vide letter No.RAP&TG/DDSPL/STACK/2016/2117, dated 19.09.2016 intimating that the Office of the RoC has advised the Company to file a revised petition, so as to send the same to the Regional Director, since the Regional Director is empowered to compound the offence alleged to have been committed. However, it seems no further step was taken by the applicants. In the above circumstances, the Tribunal is left with no option except to dismiss the case for Default for no prosecution.

6. In view of the above circumstances, it is presumed that the Applicants are not interested in prosecuting their case. Hence, the CA No.56/621A/HDB/2016 is "**DISMISSED**" for default.



sd/-

RAVIKUMAR DURAISAMY
MEMBER (TECH)

sd/-

RAJESWARA RAO VITTANALA
MEMBER (JUDL)

V. Annapoorna
V. ANNAPOORNA