

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL**

**HYDERABAD BENCH, AT HYDERABAD**

**CA No.01 of 2015**

**In**

**C.P No. 105 of 2012**

**(TP No.94/HDB/2016)**

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

**Date of Order: 03.11.2016**

**Between:**

**Mr. Dayanand Agarwal**

**S/o Late Mr. Meher Chand Agarwal**

**R/o. Plot No.68, AP Text Book Colony**

**Gunrock enclave, Karkhana**

**Secunderabad-500009**

**..... Applicant**

**And**

1. Kotak Mahindra Trusteeship Services Limited  
As trustee of India Growth Fund Units,  
Scheme of Kotak SEAF India Fund,  
Venture Capital Fund, having its registered office at  
36-38A, Nariman Bhavan, 227, Nariman Point,  
Mumbai-400021
2. DRS Logistics Private Limited  
321, 3<sup>rd</sup> Floor, Kabra Complex,  
61 M.G Road, Secunderabad-500003
3. Shri Ramesh Agarwal,  
S/o. Late Shri Meher Chand Agarwal,



R/o. 496, Sainik Vihar, Pitampura,  
New Delhi-110034

4. Mr. Rajender Agarwal,  
S/o Late Meher Chand Agarwal  
R/o 47/A Yashodham Bungalow  
Opp Royal Challenge Hotel,  
Dindoshi, Film City Road,  
Goregaon (E), Mumbai-400063
5. Mr. Anjani Kumar Agarwal  
S/o Mr. Dayanand Agarwal  
R/o. Plot No.68, AP Text Book Colony  
Gunrock enclave, Karkhana  
Secunderabad-500009
6. Mr. Sanjay Agarwal  
S/o Mr. Dayanand Agarwal  
R/o. Plot No.68, AP Text Book Colony  
Gunrock enclave, Karkhana  
Secunderabad-500009
7. Mr. Dinesh Agarwal  
S/o Mr. Sathya Prakash Agarwal  
R/o. Flat 4-8-4, Plot 10 & 11  
Arihand Majestic Towers  
Jawaharlal Nehru Street, Koyambedu,  
Chennai-600107
8. Mrs. Shashikala Agarwal  
W/o Mr. Dayanand Agarwal  
R/o. Plot No.68, AP Text Book Colony

Gunrock enclave, Karkhana  
Secunderabad-500009

9. Mrs. Manju Agarwal  
W/o Mr. Ramesh Agarwal  
R/o, 496, Sainik Vihar, Pitam pura,  
New Delhi-110034
10. Mrs. Manju Agarwal  
W/o Mr. Rajender Kumar Agarwal  
R/o 47/A Yashodham Bungalow  
Goregaon Mulund Link Road  
Mumbai-400063,
11. Mrs. Pinky Agarwal  
W/o. Mr. Anjani Kumar Agarwal  
R/o. Plot No.68, AP Text Book Colony  
Gunrock enclave, Karkhana  
Secunderabad-500009
12. Mrs. Sunita Agarwal  
W/o. Mr. Sanjay Agarwal  
R/o. Plot No.68, AP Text Book Colony  
Gunrock enclave, Karkhana  
Secunderabad-500009
13. Mrs. Saroj Agarwal  
W/o. Mr. Sathya Prakash Agarwal  
R/o. Flat 4-8-4, Plot 10 & 11  
Arihand Majestic Towers  
Jawaharlal Nehru Street, Koyambedu,  
Chennai-600107

14. M/s. Paramount Steel

(Sole Proprietorship of Mrs. Ramesh Agarwal)  
496, Sainik Vihar, Pitampura,  
New Delhi-110034

15. DRS Transport Private Limited

757, DRS House, Ram Nagar  
Pahar Ganj, New Delhi-110055

16. Agarwal Packers & Movers Limited

46, Eastern Chamber, 5<sup>th</sup> Floor,  
128/A Poona Street, Dana Bunder,  
Mumbai-400009

17. DRS Dilip Roadlines Private Limited

306, 3<sup>rd</sup> Floor, Kabra Complex, 61, M G Road,  
Secunderabad-500003

18. DRS Warehousing (North) Private Limited

308, Neekanth Plaza, Road No.44,  
Mahindra Park, Pitam Pura Community Centre  
New Delhi-110034

19. APM Infrastructure Private Limited

(erstwhile DRS Roof-Tech and  
Infrastructure Pvt. Ltd.)  
107, Transport Centre,  
Punjab Bagh, Rohtak Road,  
New Delhi- 110035

... Respondents

Counsel for the Respondents:

Sh. Shivkant Arora

Sh. E. Venunath

**CORAM**

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

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

**ORDER**

**[As per Rajeswara Rao Vittanala, Member (J)]**

1. The Company Application bearing No. 01 of 2015 in CP No.105 of 2012 was initially instituted in the then Hon'ble Company Law Board, Chennai. Upon the constitution of National Company Law Tribunal (NCLT) Bench, at Hyderabad for the States of Andhra Pradesh and Telangana, the case was transferred to this Bench as it falls under the jurisdiction of this Bench. The case is numbered as TP No.94/HDB/2016.
2. The Company Petition No. 105 of 2012 was filed by Kotak Mahindra Trusteeship Services Limited under Sections 397, 398 r/w 402, 403 and Schedule XI of the Companies Act, 1956.
3. As per the attendance-cum-order sheet, CP No.105 of 2012 was disposed of on 18.11.2014 in line with consent terms dated 14.11.2014.

4. Subsequently, Respondent No. 2 (Mr. Dayanand Agarwal) has filed CA No.01 of 2015 in CP No.105 of 2012 is filed under Section 634 of the Companies Act, 1956, by interalia seeking direction to appoint independent Sale Committee for ensuring due compliance of the Consent Terms dated 14.11.2014; to direct Respondent No.18 to disclose all its assets/rent/income etc. in due compliance of Consent terms dated 14.11.2014 etc.

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5. After transferring above CAs from Company Law Board to this Bench, the case was listed on 29.07.2016, 01.09.2016, 19.09.2016, 17.10.2016, 02.11.2016 and 03.11.2016. None appears for petitioner but some counsel appeared for respondents. In the circumstances, it was last listed for dismissal on 03.11.2016 and the same was listed under the head "For Dismissal" in the causelist of NCLT, Hyderabad Bench and the same is available in the website of NCLT. None appears for both parties. Hence it shows, the petitioner is not interested to prosecute the case further.
6. In the result, CA No.01 of 2015 is dismissed for default for non-prosecution. No order as to cost.

Sd/-

**RAVIKUMAR DURAISAMY**

**Member (T)**

Sd/-

**RAJESWARA RAO VITTANALA**

**Member (J)**

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