

**IN THE NATIONAL COMPANY LAW TRIBUNAL HYDERABAD  
BENCH, HYDERABAD**

CA No.10 of 2016  
In  
CP/4/113/CB/2008  
TP No.10/HDB/2016  
U/s.113 of Companies Act, 1956

**In the matter of:**

Chandrakant Agarwal  
8-2-684/3/1, Road No.12  
Banjara Hills  
Hyderabad-500 032

... Applicant/Petitioner

**Versus**

Mancherial Cement Company Private Limited  
House No.6-3-655/2/4  
Civil Supplies Bhuvan Lane, Somajiguda  
Hyderabad - 500 082

...Respondent

**And**

1. P.Narotham Rao  
H.No.6-3-655/2/4  
Civil Supplies Bhuvan Lane, Somajiguda  
Hyderabad - 500 082
2. P Lakshmi  
H.No.6-3-655/2/4  
Civil Supplies Bhuvan Lane, Somajiguda  
Hyderabad - 500 082
3. P Vardha Rajeshwar Rao  
H.No.1-8-41/A/1  
Chikkadpally  
Hyderabad-500 020
4. P Satyanarayan Rao  
Plot No.55, H.No.5-94/21  
Bhupati Rao Nagar, Old Awal,  
Secunderabad-500 010
5. P Ranga Rao  
H.No.1-8-41/A/1  
Chikkadpally  
Hyderabad - 500 020
6. N Shankar Rao  
Plot No.11b  
Kakthia Nagar Colony, Habsiguda  
Hyderabad
7. D Sunil Kumar  
H.No.8-2-693/2/9  
Mithila Nagar Colony

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- Road No.12, Banjara Hills  
Hyderabad
8. J Vijay Lakshmi  
H.No.1-8-44/2/2, Chikkadpally  
Hyderabad-500 020
  9. J jagannath Rao  
H.No.1-8-44/2/2, Chikkadpally  
Hyderabad-500 020
  10. J Narsimha Rao  
543, Kellwood Court,  
Oak Park, CA 91371
  11. P Raj Narsinga Rao  
H.No.1-12-122/2, Laxmi Nilayam  
Ashok Nagar  
Hyderabad -500 034
  12. N Navin Rao  
Flat No.202, Shubham Apartments  
Ameerpet,  
Hyderabad-500 016
  13. K Sudhakar Rao  
Plot No.7, UBI Colony  
Road No.3, Banjara Hills  
Hyderabad- 500 034
  14. Y Naresh Reddy  
543, Kellwood Court  
Oak Park, CA 91371
  15. P Prakash Rao  
H.No.6-3-655/2/4  
Civil Supplies Bhuvan Lane, Somajiguda  
Hyderabad - 500 082
  16. K C Shekhar Reddy  
H.No.565 C, Road No.91  
Jubilee Hills,  
Hyderabad
  17. Govind Ram Bhabani  
Flat No.503, Ashoka Lake View  
Begmpet, Hyderabad
  18. A Nand Kishor  
Plot No.28 E, Southend Park  
Manasurabad, Hyderabad
  19. P Ram Krishna Rao  
H.No.1-8-41/A/1  
Chikkadapally  
Hyderabad - 500 020
  20. P Shobha  
H.No.1-10-122/2  
Lakshmi Narayan, Ashok Nagar  
Hyderabad-500 020
  21. Ivy Securities Private Limited  
H.No.6-3-655/2/4  
Civil Supplies Bhavan Lane, Somajiguda



- Hyderabad
22. P Manmad Rao  
H.No.1-8-41/A/1, Chikkadpally  
Hyderabad- 500 020
  23. Naina Powers Private Limited  
Flat No. 202, Shubam Apartment,  
Ameerpet, Hyderabad-500016
  24. KMR Family Trust  
Plot No. 56, House No. 8-2-417/A/3,  
Road No.4, Banjara Hills,  
Hyderabad.
  25. Deen Dayal Agarwal  
House No.5-9-30/2/8,  
Basheer Bagh Palace Colony,  
Road No.2, Hyderabad
  26. Shyam Sunder Agarwal,  
House No.7-116, Gangareddy Road,  
Mancherial, Adilabad.
  27. Ashok Kumar Agarwal,  
House No5-9-30/2/8,  
Basheer Bagh Palace Colony,  
Road No.2, Hyderabad.
  28. Naval Kishor Agarwal,  
House No.7-116, Gangareddy Road,  
Mancherial, Adilabad.
  29. Amit Agarwal,  
House No.5-9-30/2/8,  
Basheer Bagh Palace Colony,  
Road No.2, Hyderabad
  30. Mahesh Agarwal  
House No. 7-116, Gangareddy Road,  
Mancherial, Adilabad.
  31. Ramesh Chand Agarwal  
House No.5-429,  
Opposite Fire service Station,  
State Highway-1, Mancherial,  
Adilabad
  32. Rekha Agarwal,  
House No-5-429,  
Opposite Fire Service Station,  
State Highway-1, Mancherial,  
Adilabad
  33. Sunita Agarwal,  
House No. 5-9-30/2/8,  
Basheerbagh Palace Colony,  
Road No.2, Hyderabad
  34. S. Suman Roa,  
House No. 17-1-388/P/55,  
Poornodhaya Colony, Saidabad,  
Hyderabad-500059



35. S. Archana  
House No.17-1-388/P/55,  
Poornodhaya Colony, Saidabad,  
Hyderabad-500059
36. S. Annadha Rao  
House No. 17-1-388/P/55,  
Poomodaya Colony,  
Lakshmi Nagar Colony, Saidabad  
Hyderabad-500 059
37. S. Hareender Rao,  
Plot No.110, Road No. 10C  
Jubilee hills  
Hyderabad
38. S. Mahender Rao  
Flat No. 101, Sai Parathi Towers,  
Himayath Nagar,  
Hyderabad.
39. S. Madhavi  
Flat No. 101, Sai Parathi Towers,  
Himayath Nagar,  
Hyderabad
40. S. Vani,  
Plot No.110,  
Road No.10C, Jubilee Hills,  
Hyderabad
41. B. Bhavani  
Navjyothi Youth Club,  
Ramyan peth,  
Medak
42. B. Manohar Rao  
Navjyothi Youth Club,  
Ramyan peth,  
Medak
43. D. Linga Rao,  
Flat No. 207, Mount Meru Apartment,  
Banjara Hills, Road No.7,  
Hyderabad-500034
44. D. Renuka Rao  
Flat No. 207, Mount Meru Apartment,  
Banjara Hills, Road No.7,  
Hyderabad-500034
45. S. Ramachander Rao  
House No. 3-2-153,  
Khaman Road, Peddapalli,  
Karim Nagar,  
Telangana
46. S. Lalitha  
House No. 3-2-153,  
Khaman Road, Peddapalli,  
Karim Nagar,  
Telangana





Date of order: 11.09.2017

CORAM

Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)  
Hon'ble Shri Ravikumar Duraisamy, Member (Technical)

Parties / Counsels Present

For the Applicant/Petitioner : Shri Mr.Debal Benerji & Mr.Bipin Shukla, Advocates  
For the Respondent No.1 : Shri Nitesh Bandari on behalf of Shri.P.Vikram, Advocates.  
For the Impleading Respondent Nos.9&11: Shri.S.Chidambaram, PCs  
Per: Rajeswara Rao Vittanala, Member (Judicial)

ORDER

1. The present Company Application bearing CA No.10/2016 in CP No. 4/113/CB/2008 (TP No.10/HDB/2017) is filed by Mr.Chandrakant Agarwal, petitioner by seeking the following relief:
  - a) This Hon'ble Court may be pleased to allow the application to implead the proposed respondents as respondent Nos. 2 to 46 in the petition and allow the petitioner to carry out consequential amendment to the petition in terms of the Schedule of Amendment, duly annexed here to.
  - b) This Hon'ble Court may be pleased to allow the Applicant to add the following prayer as prayer clause b,  
"direct the rectification of register of member of the first respondent company reflecting the name of the petitioner as shareholder holding 15 lakhs equity shares allotted through letter of allotment dated 22.01.2017"
  - c) That this honourable court may pass any such order or relief, this Hon'ble Court may deem fit, proper and necessary.
2. Heard, Mr.Debal Benerji, learned senior counsel along with Mr.Bipin Shukla, learned counsel for the Applicant/Petitioner and Mr.Nitesh Bandari on behalf of Mr.P.Vikram, learned counsel for respondent No.1 and Mr.S.Chidambaram, learned counsel for the impleading respondent Nos.9&11.



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प्रमाणित प्रति  
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केस संख्या  
CASE NUMBER CA No. 10 of 2016 IX CP/4/113/CB/2008  
निर्णय का तारीख  
DATE OF JUDGEMENT 11.9.2017  
प्रति तैयार किया गया तारीख  
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3. It is stated that Applicant has acquired the details of shareholders from the details furnished in the CP No.21/2010, which is filed by the group of members of the present controller and promoter of the Company.
4. The main Petition is filed seeking direction to the Respondents to issue Share Certificates representing 15 lakhs shares allotted to the petitioner vide letter dated 22.01.2007. The Company Petition was filed without impleading necessary parties i.e., the existing shareholders of the Company. It is submitted that applicant earlier filed CA No.10/2016 by the seeking similar relief but it was disposed of as withdrawn as the same was not filed in accordance with law.
5. It is stated that non-impleading the necessary parties is a bonafide mistake as it is done by the previous advocate engaged by the applicant. The amendment now proposed will not change the nature of the case, and it will avoid multiplicity of litigation. Therefore, it is submitted that application may be allowed as prayed for.
6. Mr.Nitish Bandari, learned counsel for the respondent No.1 and Mr.S.Chidambaram, learned counsel for the respondent Nos. 9 &11, submitted that they have no objection to allow the company application. We have considered the case of the applicant in the light of the contentions raised in the company petition. The original company petition is filed without impleading necessary parties, and they are necessary and proper parties for adjudication of the issue in the main company petition.
8. In view of the above facts and circumstances of the case, the Company Application bearing CA No.10/2016 in CP No. 4/113/CB/2008 (TP No.10/HDB/2017) is allowed by permitting the applicant to implead the proposed respondents as respondent No.2 to 46 in the main company petition, and also to carryout consequent amendment to the petition in terms Schedule of the Amendment and also permitted to add the prayer as per clause-b of this CA. The Applicant/Petitioner is permitted to carryout amendment and file amended CP copy immediately, after duly serving copies to other side. No order as to costs.

*Sd/-*  
Ravikumar Duraisamy  
Member (Technical)

*Sd/-*  
Rajeswara Rao Vittanala  
Member (Judicial)

