

**BEFORE THE NATINAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH, AT HYDERABAD
C.A. No.12/97-98/HDB/2017**

Date of Order: 09.05.2017

Between:

IJM (India)Infrastructure Limited,
H.No: 1-89/1,plot No.42&43,
3rd & 4th Floor,Kavuri Hills, Phase-I,
Madhapur, Hyderabad-500081

.....Applicant

AND

1. Swarnandhra-IJMII Integrated Township Development Company Private Limited,
Regd. Office at 1-89/1,Plot No.42 & 43 ,
3rd & 4th Floor,Kavuri Hills, Phase-I,
Madhapur, Hyderabad-500081

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2. The Andhra Pradesh Housing Board

...Respondents

Counsel for the Applicant:

Shri P.V.S. Sai Kumar
Shri Vivek Ganesh

CORAM: HON'BLE Mr. RAJESWARA RAO VITTANALA, MEMBER (JUDICIAL)

ORDER

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

1. The Company Application bearing CA/12/97-98/HDB/2017 was filed by IJM (India) Infrastructure Limited (Applicant) under section 97 and 98 of the Companies Act, 2013, by inter-alia seeking to direct Swarnandha-IJMI Integrated Township Development Company Private Limited (SITCO) to hold a meeting of its members on a suitable date within 30 days from the date of the Order from this Tribunal under section 98 of the Companies Act, 2013 (Extraordinary General Meeting) for transacting business of considering the appointment of second nominee of Application as Director of the Board and to

confirm the appointment of first nominee of Applicant as Director on the Board. The business to be transacted are as contained in the draft notice of Extraordinary General Meeting together with explanatory statement under section 102 of Companies Act, 2013; direct SITCO to convene a meeting of its members on a suitable date after convening of meeting of the Board of Directors to recommend the appointment of a director on the Board, who shall be an independent director in law, and in case within 50 days from the date of the Extraordinary General Meeting as sought in the above prayer, under section 98 of the Companies Act, 2013 for the purpose of transaction the business of appointment of the independent director in law on the Board of Directors of SITCO etc.

2. Heard Sh. P.V.S. Sai Kumar and Sh. Vivek Ganesh, Learned Counsels for Applicant. The Company Application was listed for admission on various dates viz. 29.03.2017, 10.04.2017, 17.04.2017, 24.04.2017, 01.05.2017, 05.05.2017, 09.05.2017. It is adjourned on the above dates at the request of learned counsel for Applicant

3. The learned counsel has filed a Memo dated 09.05.2017 by seeking Inter alia stated as follows;

”The Applicant Company wishes to withdraw the aforesaid application along with all related submissions made before this Hon’ble Tribunal and to file a fresh application under section 97 of the Companies Act, 2013. It is therefore prayed that the Company Application No.12/97-98/HDB/2017 filed under sections 97 and 98 of the companies act, 2013 be kindly allowed to be withdrawn.”



4. In the view of the facts and circumstances of the case, the Company Application No. 12/97-98/HDB/2017 is disposed of as withdrawn by granting liberty to the applicant to file fresh application under sections 97 and 98 of the Companies Act, 2013, in accordance with law.



Sd/-
Rajeswara Rao Vittanala
MEMBER (JUDICIAL)

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