

**IN THE NATIONAL COMPANY LAW TRIBUNAL :  
HYDERABAD BENCH : AT HYDERABAD**

C.A. No.65/169/HDB/2017  
U/S 152(4), 152(5), 161 & 169 of the  
Companies Act, 2013 R/W Rule 8  
of the Companies (Appointment and  
Qualification of Directors) Rules, 2014  
R/W Rule 11 of the NCLT Rules, 2016

**In the matter of:**

1. Boinapally Krishnamurthy  
S/o. late Seetaiah, Aged 58 yrs.  
R/o. Flat No.104, Lake Residency,  
Rajbhavan Road, Somajiguda,  
Hyderabad-500 082.
2. Boinapally Nagamanamma  
W/o. Krishnamurthy, Aged 55 yrs.  
R/o. Flat No.104, Lake Residency,  
Rajbhavan Road, Somajiguda,  
Hyderabad-500 082.
3. Boinapally Kalyani  
D/o. Krishnamurthy, Aged 35 yrs.  
R/o. Flat No.104, Lake Residency,  
Rajbhavan Road, Somajiguda,  
Hyderabad-500 082.
4. Boinapally Kiran  
S/o. Krishnamurthy, Aged 38 yrs.  
R/o. Flat No.104, Lake Residency,  
Rajbhavan Road, Somajiguda,  
Hyderabad-500 082.
5. Boinapally Sridevi  
W/o. Kiran, Aged 36 yrs.  
R/o. Flat No.104, Lake Residency,  
Rajbhavan Road, Somajiguda,  
Hyderabad-500 082.
6. Venkayalapati Poorna Latha  
D/o. V.Raju, Aged 35 yrs.  
R/o. Flat No.104, Lake Residency,  
Rajbhavan Road, Somajiguda,  
Hyderabad-500 082.

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.....Applicants

Versus

1. The Registrar of Companies  
2<sup>nd</sup> Floor, Corporate Bhavan,  
GSI Post, Tattiannaram,  
Nagole, Bandlaguda,

2. M/s. Boinapally Infra Developers Pvt. Ltd  
Regd. Office : H.No.5-51/A,  
Near Saidulu Swamy Temple  
Leela Sundaraiah Nagar,  
Wyra, Khammam District – 507165  
Telangana
3. Ponati Vamsi S/o. Poonati Krishnaiah  
R/o. H.No.5-51/A,  
Near Saidulu Swamy Temple  
Leela Sundaraiah Nagar,  
Wyra, Khammam District – 507165  
Telangana
4. Potluri Devi Laxmi Radhika  
W/o. Kapa Ramakrishna  
R/o. A.G-1, Ramakrishna Apartments,  
Masjid Road,  
Vijayawada – 520 010, A.P. ....Respondents

Date of Order: 07-09-2017

**CORAM:**

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

Parties / Counsels Present:

For Petitioner : Shri A.Venkatesh  
Shri L.Aravind Reddy

For Respondent : Shri R.C.Mishra

Per: Rajeswara Rao Vittanala, Member (Judicial)

**ORDER**

1. The present Company Application bearing C.A. No. 65/169/HDB/2017 is filed by Boinapally Krishnamurthy & 5 Others u/s 152(4), 152(5), 161 & 169 of the Companies Act, 2013 R/W Rule 8 of the Companies (Appointment and Qualification of Directors) Rules, 2014 R/W Rule 11 of the NCLT Rules, 2016 against Boinapally Infra Developers Private Limited & 3 others by seeking the following reliefs:
  - a. to pass an order adding the names of Applicants No.1 and 2 as the Directors of the Respondent No.2 Company and direct the Respondent No.1 herein to



accept the Application made by the Applicants and include the names of Applicants No.1 and 2 as Directors of the Respondent No.2 Company on record;

- b. to pass an order removing the Respondent No.3 & 4 as Directors of the Respondent No.2 Company and direct the Respondent No.1 to remove the names of Respondent No.3 & 4 as the Directors of Respondent No.2 Company from the records of Respondent No.1
2. Heard, Mr.A.Venkatesh and Mr.Aravind Reddy, Learned Counsels for the Petitioner and Shri R.C.Mishra, RoC for Respondent.

3. The case was listed for hearing on 28-08-2017, 30-08-2017, 05-09-2017 and 07.09.2017.

4. On 07-09-2017, RoC has appeared before the Bench and submitted that there is a prescribed procedure to obtain Digital Signature Certificate from Certifying Authority. A copy of the same is furnished to the Learned Counsel for the Petitioner to take necessary action on the subject.

In the light of the above, the Ld. Counsel for the Petitioner waned to withdraw C.P. to follow prescribed procedure.

5. In view of the above facts and circumstances of the case as mentioned above, C.A.No.65/169/HDB/2017 is disposed of as withdrawn, by granting liberty to petitioner to approach Competent Authority to seek appropriate remedy.



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केस संख्या  
CASE NUMBER C.A.No. 65/169/HDB/2017  
निर्णय का तारीख  
DATE OF JUDGEMENT 7.9.2017  
प्रतिलि तैयार किया गया तारीख  
COPY MADE READY ON 14.11.2017

*Sd/-*  
Ravikumar Duraisamy  
Member (Technical)

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

*[Signature]*  
for Dy. Regr./Asst. Regr./Court Officer/  
National Company Law Tribunal, Hyderabad Bench