

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

CA. No. 112/2017

In CP No.25 of 2017

**In the matter of**

**Securities and Exchange Board of India**

.... Applicant/Respondent  
No.18

**AND**

**Enness Capitals Private Limited & 18 Others** ... Respondents/Petitioners

**Hyderabad Securities and Enterprises Ltd. & 18 others**

... Respondents/Respondents

Order delivered on 19.06.2017

**CORAM:**

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

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

Per: **Ravikumar Duraisamy, Member (T)**

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**ORDER**

Mr. P. Vikram, Learned Counsel has filed Company Application No.112/2017 for Securities and Exchange Board of India (SEBI) (Respondent No.18) under Rule 11 of NCLT Rules, 2016, seeking a direction to strike off the Applicant/Respondent No.18 as a party from the array of Respondents. Learned Counsel submits that Respondent No.18, vide circular dated May 30, 2012 (Exit Circular) issued guidelines facilitating the exit of De-recognized/Non-Operational Stock Exchanges. Para No.5 of the Exit Circular deals with the treatment of the Assets of de-recognized stock exchanges. The Learned Counsel



further submits that SEBI has no role to play, after the stock exchange is granted exit by SEBI. Further, regarding the effect of the valuation report dated 26.11.2012, it is submitted that SEBI has appointed the valuation agency to ascertain the dues to be cleared by the Exchange before the Exit. He therefore, submits that SEBI has no role to play after the stock exchange was granted exit. As regard the exit method followed in the present case, a copy of exit order dated 25.01.2013, passed by is filed by SEBI with respect to Hyderabad Securities and Enterprises Limited. It is further stated that Enness Capitals Private Limited (respondent No.1/Petitioner No.1) is not under the jurisdiction of SEBI in any capacity, therefore SEBI has no comments to make with respect to affairs of the Petitioners Company.

So, impleading SEBI in the rejoinder of party, Sh. Vanshi Krishna, Learned Counsel for Petitioner of Company Petition has opposed the prayer of the Company Application No.112 of 2017 to strike off Applicant/Respondent No.18 as mis-joinder of party from array of Respondents.

We have carefully perused pleadings and the documents filed by SEBI along with Company Application and also issues raised by the parties. We are of the considered view that SEBI is not a party to present Company Petition. We therefore direct Petitioner of Company Petition No.25/2017 to strike off Respondent No.18 from array of Respondent. Accordingly Company Application No. 112 of 2017 is allowed.

Signature\_

*Sd/-*

(Ravikumar Duraisamy (Technical))

Signature \_

*Sd/-*

(Rajeswara Rao Vittanala Judicial))

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OF THE ORIGINAL

V. Annapoorna  
**V. ANNAPOORNA**  
Asst. DIRECTOR  
NCLT, HYDERABAD.

Order received by the  
Registry on 4/7/2017

