

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

**Contempt Petition No.80/425/HDB/2017**

**in**

**CP No.10/241/HDB/2016**

**In the matter of**

**1. Veera Vaishnavi Granites Private Limited,  
Regd Off: H.No:1-2-53, Flat No.302, Odean Enclave,  
Domalguda, Hyderabad.**

**2. Mr. Ch. Bhupal Goud,  
O/o H.No:1-2-53, Flat No.302, Odean Enclave,  
Domalguda, Hyderabad**

**3. Smt. Rohini B Goud,  
O/o H.No:1-2-53, Flat No.302, Odean Enclave,  
Domalguda, Hyderabad**

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

**..... Petitioners**

**Versus**

**Shri. Ch. Santosh Raja Goud Cheekati,  
S/o Bhupal Goud Cheekati,  
H.No.3-6-784/A, Flat No.204, Legend Apartments,  
Street No.14, Himayatnagar, Hyderabad**

**..... Respondent**

**Order delivered on 30.06.2017**



**CORAM:**

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

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

**Contd..2.**

Per: Rajeswara Rao Vittanala, Member (J)

**ORDER**

1) The Contempt Petition bearing CP No.80/425/HDB/2017 in CP No.10/241/HDB/2016, is filed by Veera Vaishnavi Granites Private Limited & two other petitioners, under section 425 of the Companies Act, 2013 and read with sections 10 & 12 of Contempt of Court Act, 1971, by seeking to initiate action against Respondent for willful disobedience of the orders passed by the Tribunal on 10.02.2017 in CP No.10/241/HDB/2016.



2) Brief facts, leading to the filing of present Contempt Petition, are as follows:

(a) Initially the Respondent/Petitioner has filed CP No. 10/241/HDB/2016 by inter alia seeking to regulate the conducts of the affairs of the company; to restrain any new person other than those holding the post of Directors as on 19.09.2015 from acting as Additional Director of the Company etc. The dispute is only between the father, son (Petitioner) and mother.

(b) The Tribunal disposed of the said Company Petition by an order dated 10.02.2017 by inter-alia directing the Respondent No.1 Company to continue the Petitioner, as director of the Company, and he should be given due notices for all the meetings of the Company as and when meetings are conducted, and he should be permitted to participate in the meetings; Petitioner is also directed to extend full cooperation to the Respondent No. 2 & 3 in running the affairs of the Company etc.

(c) The Contempt Petition is filed by alleging that the Respondent herein is not extending full cooperation to Petitioner No. 2 & 3 in running the affairs of the company by raising frivolous issues in the affairs of the Company; he got issued a legal notice to the Petitioner No.2 on 19.04.2017 threatening with legal action, if the meeting of the Board of Directors scheduled to be held on 22.04.2017, not to be postponed indefinitely etc.

3) Heard and Shri CVLN Murthy, Learned Counsel for Petitioners, and Shri S Keshava Rao, Learned Counsel for the Respondent, and carefully perused all the pleadings and documents.

4) Shri. CVLN Murthy, Learned Counsel for Petitioners, however, on the other hand submits that Respondent claiming that still he is a Managing Director of Petitioner No.1 Company, whereas, the Order of Tribunal directed the Company as a Director of Petitioner No.1 Company. Further submitted that the Respondent herein disowning his default of complying with the statutory prescriptions of filing certain information and documents in his capacity of as Managing Director that he was till September, 2016, he is commanding the Petitioner to file the unspecified information before Registrar of Companies, Hyderabad and thereby made the Petitioner No.1 a dysfunctional entity during his tenure and causing every hurdle to go the Petitioner No.1 Company bankrupt.

Contd..4.





5) We have considered all the pleadings. The Respondent/Petitioner himself has stated that is main Company Petition that he has filed CP in the capacity of shareholder & Director, and the order of the Tribunal dated 10.02.2017 only directed to continue the Petitioner as Director of the Company, apart from other directions. Since the Respondents have also stated before the Tribunal that Petitioner is being continued as Director, there is no violation of Tribunals order with respect to continuation as Director and he is not entitled to continue as Managing Director. Moreover, the Learned Counsel for Respondent/Petitioner submitted that he would advise his client not to raise frivolous issue and to follow directions of Tribunal passed in CP.



In view of the above facts and circumstances of the case, we are of the considered view that Petitioners have not made out any case so as to initiate Contempt Proceedings against the Respondent. Hence, Contempt Petition bearing No.80/425/HDB/2017 in C P 10/241/HDB/2016 is dismissed.

Signature

(Ravikumar Duraisamy (T))

Signature \_

(Rajeswara Rao Vittanala (J))

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

Order received by the  
Registry on 14/07/2017