

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

Contempt Petition No.79/425/HDB/2017

in

CP No.10/241/HDB/2016

In the matter of

**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**

..... Petitioner/Petitioner

Versus

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

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

**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**

..... Respondents/Respondents



Order delivered on 30.06.2017

CORAM:

Hon'ble Mr. Rajeswara Rao Vittanala, 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.79/425/HDB/2017 in CP No.10/241/HDB/2016, is filed by Shri Ch. Santosh Raja Goud Cheekati, under section 425 of the Companies Act, 2013 and read with sections 10 & 12 of Contempt of Court Act, 1971, by seeking to initiate contempt proceedings and furnish Respondent No.2 for violation 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 Petitioner has filed CP No. 10/241/HDB/2016 by inter alia seeking to regulate the conduct 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 Company Petition 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.

Contd..3.

(c) The Contempt Petition is filed by alleging that he was illegally removed as Managing Director of Respondent No.1 Company. The Respondent No.2, who was hell bent upon to harass the Petitioner in one way or the other, and issued a letter dated 12.04.2017 directing the Petitioner to submit all the records and original documents, that are in his custody, and further stated that he was no more a Managing Director of the Company.

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

4) Shri S Keshava Rao, Learned Counsel for Petitioner submitted that his instant grievances is, that he was illegally removed as Managing Director, even though the Tribunal directed him as such. He further stated that he is extending full cooperation in running the affairs of the Company, in deference to the directions of this Tribunal.

5) Shri. CVLN Murthy, Learned Counsel for Respondent, however, on the other hand submits that the Petitioner is being continued as Director and also strictly following direction given by the Tribunal. The Tribunal has not directed the Company to continue the Petitioner as Managing Director. Petitioner is being given all the notices for the meeting of the Company. However, for the reasons best known to him, he is not attending the meeting conducted by the Company, thereby violating the orders of this Tribunal. Therefore he has filed another Contempt Petition No.79/425/HDB/2017 against the Petitioner.

6) We have considered all the pleadings. The Petitioner himself has stated that main Company Petition is filed 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.



In view of the above facts and circumstances of the case, we are of the considered view that Petitioner has not made out any case so as to initiate Contempt Proceedings against the Respondents. Hence, Contempt Petition bearing No.79/425/HDB/2017 in C P 10/241/HDB/2016 is dismissed.

Signature_

(Ravikumar Duraisamy (T))

Signature _ _

(Rajeswara Rao Vittanala (J))

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V. Annapoorna
V. ANNAPOORNA
Asst. DIRECTOR
NCIT HYDERABAD.

Order received by the
Registry on : 14/07/2017