

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

COMPANY APPEAL No.5 of 2015

Date:30.03.2015

Between:

Umesh Kumar Agarwal,

S/o Late Sri Narayanlal Agarwal

..... Appellant

And:

M/s G.S.Biotech Ltd., Adilabad

and 72 others.

....Respondent

Counsel for the Appellant: Sri S.V.Rama Krishna

Counsel for the Respondents: None appeared

The Court made the following:

JUDGMENT:

This Company Appeal is filed for setting aside order, dated 12.12.2014, of the Company Law Board, Chennai Bench at Chennai, whereby it has closed Company Petition No.39 of 2014 on the purported concession of both the parties.

Sri S.V.Rama Krishna, the learned counsel for the appellant, submitted that the above-mentioned Company Petition was filed alleging oppression and mismanagement by the respondents and that one of the prayers sought in the said Company Petition was to cancel allotment of 70,000 equity shares made by respondent No.1-company. He has further submitted that when the counsel for the respondents filed a memo on 10.12.2014, stating that his clients are agreeable for restoration of 28% shares by allotting additional shares to the appellant for cash at par, his counterpart has filed a memo, dated 13.12.2014, stating that the said memo is contrary to the prayers in Company Petition No.39 of 2014 and that in order to clandestinely cover up their acts of illegal and fake allotments and many other matters of mismanagement and oppression, the respondents have filed the said memo. Learned counsel further submitted that though the order of the Company Law Board is dated 12.12.2014, the seal on the certified copy bears '15.12.2014' as the date and that by the time the order was dispatched, the memo filed by the appellant was received by the Company Law Board on its file.

As the appellant has been seriously disputing the concession attributed to him, to the effect that he is agreeable for the proposal of the respondents, it is appropriate that a substantive application for recalling order, dated 12.12.2014, of the Company Law Board is filed by him.

Accordingly, the appellant is permitted to file an application before the Company Law Board, Chennai Bench at Chennai for recalling order, dated 12.12.2014, in Company Petition No.39 of 2014. On such an application being filed, the Company Law Board, Chennai Bench at Chennai is directed to hear both the parties and pass an appropriate order thereon within one month from the date of filing of such application.

Subject to the direction given as above, the Company Appeal is disposed of.

JUSTICE C.V.NAGARJUNA REDDY

30th March, 2015

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