



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.04.2016

C O R A M

The Honourable Mr. Justice RAJIV SHAKDHER

Company Appeal No.24 of 2015

and M.P.Nos.1 to 5 of 2015

Emirates Trading Agency L.L.C.,
Rep. by its Authorized Signatory,
Mr. Bartholomew Kanya,
P.O.Box.5239, Dubai,
United Arab Emirates.

... Appellant/Petitioner

Vs

1. ETA Engineering Private Limited,
having its registered office at
No.5, Moores Road,
Chennai - 6 also having its Corporate office at
New No.71, Old No.63, Sterling Road,
Nungambakkam, Chennai - 34.

2. Mr. Buhari Abdul Khader Kahalid,
Director,
M/s. ETA Engineering Private Limited,
Residing at No.25, Khader Nawaz Khan Road,
Chennai - 6.

3. Mr. Abdul Cadel Junaid Yaseen Mohamed,
Director,
M/s. ETA Engineering Private Limited,
Residing at No.35/9, Jayalakshmi Puram,
1st Street, Nungambakkam, Chennai - 34.

4. Mr. Abdul Qadir,
Additional Director,
M/s. ETA Engineering Private Limited,
Residing at 8, Subba Rao Avenue,
III Street, Chennai - 6.



5. Mr.Vankata Rao Ponnada,
Chief Executive Officer,
M/s.ETA Engineering Private Limited,
Residing at A/2, SonexSneha,
No.32, Old No.15, Halls Road,
Kilpauk, Chennai - 10.

6. Ms.M.Kalpana Gupta,
Company Secretary,
M/s.ETA Engineering Private Limited,
Residing at AG100, 7th Main Road,
Shanthi Colony, Anna Nagar,
Chennai - 40.

7. Mr.Afzal Hussain
Chief Financial Officer,
M/s.ETA Engineering Private Limited,
Residing at Old No.4, New No.7, 2nd Floor,
NallanaMudali Street,
Royapettah, Chennai - 14

8. Maricar Estates Pvt. Ltd.,
4th Floor, Chennai Citi Centre,
No.10 & 11, Dr.Radhakrishnan Salai,
Mylapore, Chennai - 4

... Respondents/Respondents

Company Appeal filed under Section 10(F) of Companies Act, 1956, to set aside the order dated 22.12.2015 passed in CA.No.1 of 2015 in C.P.No.84 of 2015 by the Company Law Board, Chennai Bench, Chennai.

For Appellant : Mr.P.S.Raman, Sr.Counsel
for M/s.Fox Mandal and Asso.

For Respondents : Mr.Sathish Parasaran, Sr.Counsel
for Mr.Vishnu Mohan (for R1, R5 &R6)
Mr.AR.L.Sundaresan, Sr.Counsel
for Mr.K.Gowthamkumar (for R2 to R4)
Mr.Arvind Pandian, Sr.Counsel
for Mr.Srichandran Rangarajan
(for R7 & R8)

J U D G M E N T

This Appeal was preferred against an interim order dated 22.12.2015 passed by the Company Law Board in CA.No.1 of 2015 in C.P.No.84 of 2015.



2. Learned Senior Counsel for the appellant says that since much water has flown since the institution of the appeal and given fact that the main Company Petition is pending before the Company Law Board, he would be satisfied if this Court were to direct the Company Law Board to take up the Company Petition, immediately, for hearing, in so far as the interim reliefs are concerned.

3. Learned counsel for the respondents on the other hand says that in the Company Petition pending before the Company Law Board, a preliminary objection with regard to maintainability has been raised, and therefore, it would be in the interest of both parties that the said issue is also taken up by the Company Law Board, simultaneously.

4. Having regard to the submissions made by the learned counsel for the parties herein, I am inclined to dispose of the Company Appeal, (albeit, without expressing any opinion on the merits of the matter) with a direction to the Company Law Board, Chennai to take up the Company Petition for hearing, bearing in mind the preliminary objection, if any, that the respondents may have raised with regard to its maintainability. In case, Company Law Board is not in a position to immediately take up the main company petition, it would rule on the interim reliefs sought for by the appellant, bearing in mind the preliminary objection with regard to the maintainability raised by the respondents. The Company Law Board shall adjudicate upon both aspects of the matter before proceeding further, in the matter.

5. The Company Appeal is disposed of in the aforesaid terms. Consequently, all pending Miscellaneous Petitions are also disposed of.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

ars



1. The Sub Assistant Registrar
Original Side, High Court,
Madras 104.

+ 1 CC to M/s.Fox Mandal and Associates, Advocate
SR NO 24030[6/7/16]

Company Appeal No.24 of 2015
and M.P.Nos.1 to 5 of 2015

nm co
kra 06.06.2016