

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2018

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI

AND

THE HON'BLE DR.JUSTICE ANITA SUMANTH

C.R.P.PD.No.3280 of 2017

1.M/s.Store N Move Pvt. Ltd.
2.D.Ashirvadam Devaraj
3.S.Sachinantham Pillai ...

Petitioners

-VS-

1.Mr.YSP Balraj
2.Devaraj Vasanth Immanuel
3.Pannerselvam Jayendran
4.M/s.Olog Logistics Pvt.Ltd.
5.M/s.Saar Integrated Services Pvt.Ltd.....

Respondents

Petition under Article 227 of the Constitution of India, for a direction to National Company Law Tribunal, Chennai, to pass orders in C.A.No.7 of 2017, which was reserved for orders on 25.04.2017.

For petitioners : Mr.E.Omprakash,
Senior Counsel,
for M/s.Ramalingam and Associates

For respondent 1 : Ms.Elizabeth Seshadri,
for M/s.Iyer & Thomas.

For respondents 2 to 4 : Ms.Dakshayani,
for Mr.T.Saravanan.

ORDER

[Order of the Court was made by Dr.Vineet Kothari,J.]

The only grievance raised at bar before us is that the learned National Company Law Tribunal, Chennai, has failed to hear C.A.No.7 of 2017 for impleadment and pass appropriate orders despite hearing the arguments on that and reserving the orders and later on directed the same to be heard with the main case viz., Company Petition i.e., C.P.No.4 of 2016, which was filed by first respondent Mr.YSP Balraj under Sections 241 and 242 of the Companies Act,2013, which are akin to Sections 397 and 398 of the old Companies Act,1956.

2. It was also brought to our notice that arguments in the said Company Application were heard by the learned Tribunal and orders reserved on 25.04.2017. However, the said Tribunal, later on, on 23.08.2017, after four months, passed another order that the said Company Application No.7 of 2017 for impleadment be put up along with the main Company Petition on 04.09.2017, without passing any order on impleadment application.

3. In the above circumstances, the company, namely, M/s.Store N Move Pvt.Ltd. has filed the present Writ/Revision Petition under Article 227 of the Constitution of India before this Court.

4. Having heard the learned counsel for the parties, we are of the opinion that the present petition can be disposed of, by requesting the learned Tribunal to expeditiously first decide the Impleadment Application i.e., C.A.No.7 of 2017 before finally hearing the main Company Petition in terms of the order passed by the said Tribunal itself on 25.04.2017, reserving the orders on C.A.No.7 of 2017. Since a considerable period after that has already passed, we expect the learned Tribunal to pass and release appropriate orders on C.A.No.7 of 2017 for impleadment within a period of one month from today, if necessary, after hearing the parties once again.

5. Without any further notice, the parties may appear before the said Tribunal on 04.01.2019.

6. The Civil Revision Petition is disposed of accordingly. The interim order passed by a learned Single Judge of this Court on 06.09.2017,

staying further proceedings before the Tribunal, stands vacated. No costs.

Consequently, the connected C.M.P.No.18827 of 2017 and C.M.P.No.15303 of 2017 also stand disposed of accordingly.

(V.K.,J.) (A.S.M.,J.)
19-12-2018

Index : Yes/No
Internet : Yes/No
Speaking / Non-speaking Order
dixit

To

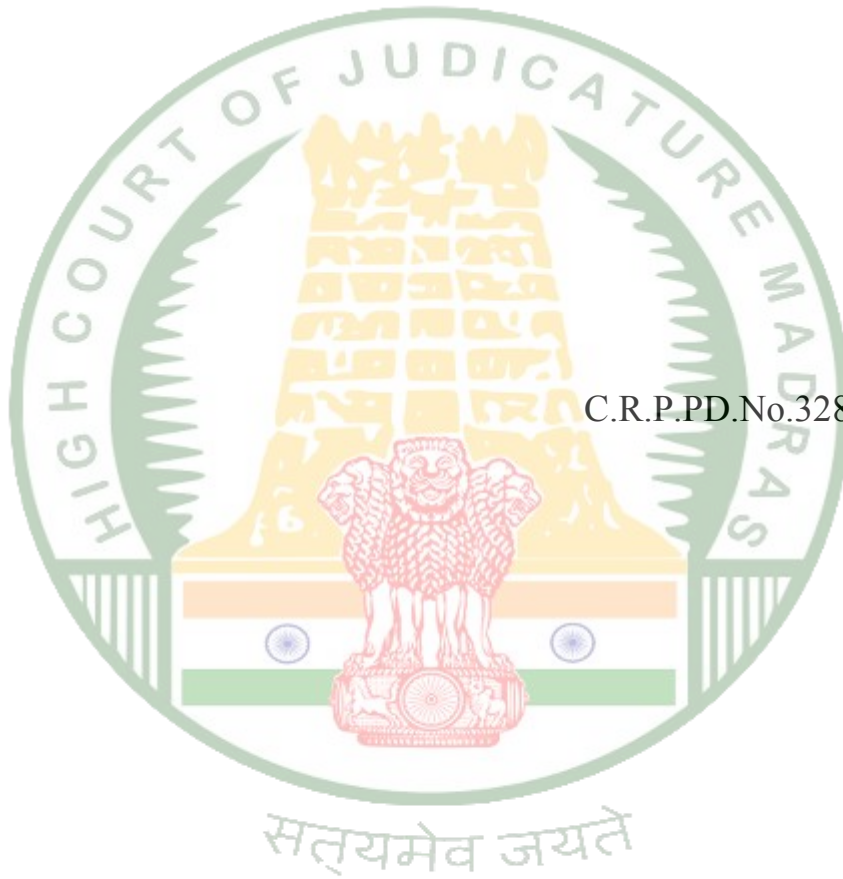
National Company Law Tribunal,
Chennai.



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DR.VINEET KOTHARI, J.
and
DR.ANITA SUMANTH, J.

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