



W.P.No.34420 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.34420 of 2018

And

W.M.P.No.39996 of 2018

Alpha Helical Pumps Private Limited
A Company registered under the provisions
Of the Companies Act, 1956
Represented by its Chairman,
Mr.Mohammed Saheer Sirajuddein

... Petitioner

Vs.

1.Sirajuddien Mohamed Subair
2.P.V.Kutty
3.Kutty Remla
4.Mohammed Saheer Sirajuddein

5.National Company Law Tribunal, Chennai,
UTI House, Rajaji Salai,
Chennai – 600 001.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for and quash the order of respondent 5 dated 27.11.2018 in CA No.94/2017 in CP 40/2015 renumbered as TCP 172 / 2016.



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For Petitioner : Mr.Vineet Subramani

For Respondents : Mr.Ambili Menon for R1
Mr.S.Mahesh Kumar for R2 and R3

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for and quash the order of the fifth respondent dated 27.11.2018 in CA No.94/2017 in CP 40/2015 renumbered as TCP 172 / 2016.

2.The case of the petitioner is that the petitioner is one of the respondents in TCP 172 / 2016 and TCP was dismissed for default on 27.11.2018 and during the pendency of TCP, the first respondent filed CA No.94/2017 seeking to restrain the fourth respondent and his men from causing any sort of hindrance to the first respondent in entering the factory, its premises, cabin and also in working in the office peacefully having access to the records of the company; directing the fourth respondent to pay the first respondent the arrears of remuneration without further delay and to pay the monthly remuneration and profit of the company; directing appointment of independent Chartered Accountant to determine the fair value of the shares of the Company and directing appointment of independent



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Chartered Accountant to go into the books of accounts of the company from the year 2013 and determine the quantum of unjust enrichment made by the fourth respondent. Though TCP 172 / 2016 was dismissed on 27.11.2018, the interim application in CA No.94/2017 was not closed and the impugned order adjourning the matter for making final submissions was passed. Hence, this writ petition.

3.The learned counsel appearing for the petitioner fairly submitted that in order to get over the interim order of stay granted by this Court restraining the Tribunal from proceeding further in CA, the Tribunal re-numbered CA No.94/2017 as IA No.255/2018 by passing a corrigendum order on 15.03.2019. Challenging the same, the petitioner filed CRP No.1445/2019 before this Court and the same has been placed before the Hon'ble Division Bench of this Court and is pending. Hence, no further adjudication is necessary in this writ petition and this Court may close this writ petition by granting liberty to the petitioner to canvass all the issues before the Hon'ble Division Bench of this Court, where CRP No.1445/2019 is pending.

4.The learned counsel appearing for the respondents raise no serious objection.



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M.DHANDAPANI,J.

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5.In view of the above, this writ petition is closed. Liberty is granted to the petitioner to canvass all the issues before the Hon'ble Division Bench of this Court, where CRP No.1445/2019 is pending. No costs. Consequently, the connected miscellaneous petition is also closed.

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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