

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) No. 364 of 2019

IN THE MATTER OF:

Mrs. Anasurya Mantena & Anr.

...Appellants

Versus

M/s. Lexus Technologies Pvt. Ltd. & Ors.

...Respondents

Present:

For Appellant :

Mr. Nithin Chowdary Pavuluri, Advocate

O R D E R

09.01.2020 The Appellants/Applicants – Mrs. Anasurya Mantena and Mrs. Sumathi Mukkamala, who claim to be the Shareholders/Members of ‘M/s. Lexus Technologies Private Limited’ moved I.A. No. 15/2019 in TCP No. 126/241/AMR/2019 and CP No. 667/241/HDB/2018 for impleading them as party Respondents. The National Company Law Tribunal (the Tribunal, for short), Amaravati Bench at Hyderabad having rejected the same by impugned order dated 22nd October, 2019, the present appeal has been preferred.

Learned counsel for the Appellant submits that the Appellants are the necessary party being Shareholder/Members of the Company. However, that cannot be a ground to implead them as party Respondent. It has also submitted that others, those who are similarly situated, have already been impleaded.

From the record, we find that Mr. Chalasani Udaya Sankar and others moved an application under Section 59 read with Sections 241 and 242 of the Companies Act, 2013 alleging ‘oppression and mismanagement’ and claimed 94.8% shareholding in the company.

According to the learned counsel for the Appellants/Applicants, they have no right of claims over the shares and if the Appellants are impleaded as party-respondent, then this fact should be brought to the notice of the Tribunal. It is contended that the Tribunal has not considered the aforesaid fact nor decided the issue.

Let notice be issued on the Respondents by Speed Post to state as to why the Appellants be not impleaded as Party-Respondent to show that the Respondents/Petitioners do not hold the shares to the extent claimed and has no right over the other shareholders right. Requisites along with process fee be filed by 10th January, 2020.

Post the case 'for Admission (After Notice)' on **7th February, 2020** before the appropriate Bench.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansilal Bhat]
Member (Judicial)

/ns/gc/