

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
CHENNAI**

(APPELLATE JURISDICTION)

Company Appeal (AT) (CH) No. 01 of 2021

**(Arising out of the orders dated 22.12.2020 read with 07.01.2021 in
IA. No. 445 of 2020 in CP No. 77/BB/2020 passed by the Hon'ble
National Company Law Tribunal, Bengaluru Bench)**

In the matter of:

**Macquarie SBI Infrastructure Investments Ptd.Ltd.
Regd.Office 9, Straits View, 321-07 Marina One,
West Tower, Singapore 018937 &**

....Appellants

**SBI Macquarie Infrastructure Trustee Pvt.Ltd.
Regd.Office at 92, Level 9, North Avenue,
Maker Maxity, Bandra Kuria Complex,
Mumbai 400051 represented by authorisex signatory
Mr.Abraham George.**

V.

**1. Mr.K. Sadananda Shetty,
No.16, SahasraSree, I Main, I Block, RMV Extension,
Stage II, Bengaluru 560094.**

....Respondents

**2. Mr.Sanjith S.Shetty,
No.16, SahasraSree, I Main, I Block, RMV Extension,
Stage II, Bengaluru 560094.**

**3.Mr.Suchindra S.Shetty,
No.16, SahasraSree, I Main, I Block, RMV Extension,
Stage II, Bengaluru 560094.**

**4. Mrs.Sujatha S.Shetty,
No.16, SahasraSree, I Main, I Block, RMV Extension,
Stage II, Bengaluru 560094.**

**5. Encon Systems Pvt.Ltd.
37, RMJ, Mandoth Towers, 7th Cross,
Vasant Nagar, Bengaluru 560025.**

**6. Aoham Renewable Energy India Pvt.Ltd.
37, Ground Floor, RMJ,
Mandoth Towers, 7th Cross,
Vasant Nagar, Bengaluru 560025.**

7. Ambuthirtha Power Pvt.Ltd.
Ground Floor, RMJ, Mandoth Towers, 7th Cross,
Vasant Nagar, Bengaluru 560052.

8.Soham Mannapitlu Power Pvt.Ltd.
Ground Floor, RMJ,
Mandoth Towers, 7th Cross,
Vasant Nagar, Bengaluru 560052.

9. Sohan Phalguni Renewable Energy Pvt.Ltd.
Mandoth Towers, 7th Cross,
Vasant Nagar, Bengaluru 560052.

10. Sahasralingeswara Power Pvt.Ltd.
Ground Floor, RMJ,
Mandoth Towers, 7th Cross,
Vasant Nagar, Bengaluru 560052.

11. MSG Power Pvt.Ltd.
Ground Floor, RMJ,
Mandoth Towers, 7th Cross,
Vasant Nagar, Bengaluru 560094.

12. Soham Kolavuru Renewable Energy Pvt.Ltd.
Ground Floor, RMJ,
Mandoth Towers, 7th Cross,
Vasant Nagar, Bengaluru 560094.

**13. Ocean Deity Investments Holdings Limited PCC,
(Mauritius) Limited PLC**
Regd.Office : IMM Ltd. 4th Floor,
Les Cascades Building, Edith Cavell Street,
Port Louis, Republic of Mauritius)

14. Abhishek Poddar,
1604, Tower B, Omkar 1973 Offi.
Annie Besant Road, Worli, Mumbai 400049.
Mobile - +919811212281
E-Mail : abhishek.poddar@macquarie.com

15. Abraham George
A-306, Dosti Elite,
Sion-Koliwada Road, Sion, Mumbai 400022.

Present:

Appellant: Mr. Arun Kathpalia, Learned Sr.Counsel
Mr. Krishnendu Datta, Learned Advocate
Mr.Thriyambak Kannan, Learned Advocate.
Respondents: Mr. Satish Parasaran, Learned Sr.Counsel
Mr. Pradeep Nayak, Learned Advocate – R1-R5
Ms. Nithya Kalyani, Learned Advocate –R6-12
Mr. Rv. Goutham, Learned Advocate – R13

ORDER

03.03.2021. Reply/Response/Counter of Respondents No. 1-5 is filed. Also, that 'Rejoinder' is filed on behalf of the Appellants.

2. For Respondents No. 6 -12, Ms. Nithya Kalyani, Learned Advocate appears and prays for time to file vakalathnama and accordingly is permitted to file vakalathnama within two weeks from Today before the Office of the Registry. The Learned Advocate for Respondents No. R6-12 informs this Tribunal that there is no Reply/Response/Counter to be filed on their behalf.

3. For Respondent No. 13, Mr. Rv. Goutham, Learned Advocate appears and prays time to file vakalathnama and accordingly is permitted to file vakalathnama within two weeks from Today before the Registry.

4. In respect of Respondents No. 14 & 15, the notices were delivered on 13.02.2021 and 12.02.2021 respectively, as seen from the 'Affidavit of Service' of the Learned Advocate for the Appellants.

5. On behalf of the Respondents No. 14 & 15, there is no appearance through virtual mode either in person or through Learned Advocate.

6. In the meanwhile, the Learned Counsel for the Appellants as well as Learned Counsel for Respondents are required to file 'Notes of Submissions' of the parties containing not more than three to four pages together with citations which they rely upon.

7. The Learned Counsels appearing for the parties are required to submit the hard copies of the 'Notes of Submissions' etc., before the 'Office of the Registry', well before the next date of Hearing, without fail.

8. The Registry is directed to List the matter on 22.03.2021 at 2.00 pm.

***[Justice Venugopal M]
Member (Judicial)***

***[V.P. Singh]
Member (Technical)***