

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**NEW DELHI**

**Company Appeal (AT) No. 68 of 2018**

**IN THE MATTER OF:**

**V.K. Building Services Pvt. Ltd.**

**...Appellant**

**Versus**

**Mr. S.R. Mohan & Ors.**

**...Respondents**

**Present:**

**For Appellant :                      Mr. Goutham Shivshankar, Advocate**

**O R D E R**

**08.03.2018**            One Mr. S.R. Mohan filed the application under Section 241 and 242 of the Companies Act, 2013 which is pending before National Company Law Tribunal (hereinafter referred to as the 'Tribunal') Bengaluru Bench in C.P. No. 5/2017. The appellant has been arrayed as 8<sup>th</sup> respondent in the said petition. The appellant (8<sup>th</sup> respondent) filed an application for deleting his name from the array of the respondents on the ground that he is not a shareholder of the company (3<sup>rd</sup> respondent before the Tribunal) and whatever agreement has been reached between the appellant (8<sup>th</sup> respondent) has been so reached with another company i.e. 5<sup>th</sup> respondent company before the Tribunal. The appellant has challenged the impugned order dated 8<sup>th</sup> January, 2018 passed by the National Company Law Tribunal, Bengaluru Bench which rejected the application preferred by him.

2.     On perusal of the record, we find that perhaps Mr. S.R. Mohan and another alleged oppression of the company (3<sup>rd</sup> respondent before the Tribunal).

According to them the said company (3<sup>rd</sup> respondent) is the largest shareholder of the 5<sup>th</sup> respondent company with which appellant (8<sup>th</sup> respondent) has reached the agreement. The allegation of Mr. S.R. Mohan and another (Petitioners before the Tribunal) is that the Board of Directors of the Company (3<sup>rd</sup> respondent) has taken oppressive decision, as the largest shareholder of the 5<sup>th</sup> respondent company by endorsing illegal agreement with the 8<sup>th</sup> respondent in the meeting of 5<sup>th</sup> Respondent company. In this background prayer has also been made to set aside the sale agreement between the 5<sup>th</sup> respondent company and the appellant (8<sup>th</sup> respondent). Taking into consideration the aforesaid fact by the Tribunal, the Tribunal holds that the appellant (8<sup>th</sup> respondent) is a necessary party.

3. Having heard learned counsel for the parties, we find no ground to interfere with the impugned order. The appeal is dismissed. No cost.

[Justice S.J. Mukhopadhaya]  
Chairperson

[ Justice Bansi Lal Bhat ]  
Member (Judicial)