

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**  
**Company Appeal (AT) No. 319 of 2019**

**IN THE MATTER OF:**

**Smt. Vemulapalli Sai Prameela & Ors.**

**...Appellants**

**Versus**

**M/S. VIJAYA SAI POULTRIES PVT. LTD. & ORS.**

**...Respondents**

**Present : Though present but not marked attendance**

**O R D E R**

**11.11.2019** - The Appellant / Petitioner filed an application Under Rule 11 of the NCLT Rules read with Section 421 of the Companies Act with prayer to examine the signature of petitioner no. 2 to 5 and the letter of resignation. The NCLT Amravati Bench by impugned order dated 12th September, 2019 rejected the prayer for verification of signature of the Appellant / Petitioner 2 to 5.

From the Record, we find that petition u/s 241 and 242 of the Companies Act is pending before the Tribunal.

The allegation is that the Transfer Form belong to them have not been signed by them. The Tribunal having noticed that the matter relates to operation and mis-management and transfer of shares is one of the allegation related to operation and mismanagement has rejected claim for verification.

....contd.

Having heard Learned Counsel for the Appellant (Petitioner) we are of the view that the Appellants are required to establish that there is a operational mis-management by one or other Respondent, who are Members of the Company. The rest of the allegations are to be proved in the petition u/s 241 and 242. Therefore, this was in the stage for verification of the signature of the Appellant(s), they have already put their signature in the petition which can be noticed by the Tribunal to find out whether the signature in the shares have been given by one or other Appellant / Petitioner if so required.

In the aforesaid background, we are not inclined to interfere in the impugned order. The Appeal is dismissed. No costs.

[Justice S. J. Mukhopadhaya]  
Chairperson

[Justice Venugopal M.]  
Member (Judicial)

[Justice Jarat Kumar Jain]  
Member (Judicial)

ss/sk