

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
DIVISION BENCH (COURT- I) CHENNAI**

ATTENDANCE CUM ORDER SHEET OF THE HEARING  
HELD ON **28.06.2024** THROUGH PHYSICAL HEARING

**PRESENT: HON'BLE SHRI. SANJIV JAIN, MEMBER (JUDICIAL)  
HON'BLE SHRI. VENKATARAMAN SUBRAMANIAM, MEMBER (TECHNICAL)**

**APPLICATION NUMBER** :  
**PETITION NUMBER** : CP(CA)/31(CHE)/2024  
**NAME OF THE PETITIONER(S)** : S Venkatesh Babu  
**NAME OF THE RESPONDENTS** : ALG India Enterprises Pvt. Ltd. and 5 Others\  
**UNDER SECTION** : Sec 241-242 & 213 of CA, 2013

S.NO.	NAME (IN CAPITAL)	DESIGNATION REPRESENTATION BY WHOM	SIGNATURE
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1) K. NEWLIN  
FREDERICK

Counsel for  
R1 to R5



2. VELPULA AUDITYAA

Counsel for  
Petitioner





401. CP(CA)/31(CHE)/2024

**ORDER**

Present: Shri. Velpula Audityaa, Ld. Counsel for the Petitioner.  
Shri. K. Newlin Frederick, Ld. Counsel for R1 to R5.

Written synopsis filed by the counsels for the parties on the interim relief.

During arguments, Ld. Counsel for the Respondent has drawn the attention of this Tribunal on para-45 of the petition stating that the Petitioner has also filed O.S. No. 179 of 2023 before the District Munsif on 26.09.2023 prior to filing of this petition seeking the same relief as prayed in the petition (Interim Relief-ii) which is reproduced below:

- ii. *To direct the Respondent 1 Company not to create charge, lien or any other encumbrance over any of the assets / properties of the Respondent 1 Company, and to not sell, dispose or alienate any of the immovable properties of the Respondent 1 Company until the disposal of the Company Petition.*”

Ld. Counsel further submits that it is a case of forum shopping. The Respondent has lodged a complaint against the Petitioner which is being investigated by the police. Ld. Counsel submits that the company is the owner of the property in question. As regards evasion of stamp duty, he referred section 47A of the Stamp Act to state that if at all there is any shortfall in payment of the stamp duty, the Collector of Stamps after giving opportunity of hearing to the party is entitled to collect the shortfall. There is no question of penalty as alleged in the petition.

Having considered the above submissions, we direct the Counsel for the Petitioner to place the copy of the petition filed before the Munsif Court for further hearing in the matter.

List the petition for hearing on **15.07.2024**.

Sd/-  
**VENKATARAMAN SUBRAMANIAM**  
**MEMBER (TECHNICAL)**

Sd/-  
**SANJIV JAIN**  
**MEMBER (JUDICIAL)**