

**NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH
COURT HALL NO: II**

Hearing Through: VC and Physical (Hybrid) Mode

**CORAM: JUSTICE RAMALINGAM SUDHAKAR – HON'BLE PRESIDENT
CORAM: SHRI. CHARAN SINGH - HON'BLE MEMBER (TECHNICAL)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NATIONAL COMPANY LAW TRIBUNAL,
HYDERABAD BENCH, HELD ON **05.01.2024**, After Principal Bench New Delhi**

TRANSFER PETITION NO.	TP(PB) No. 77/397-398/HDB/2017
COMPANY PETITION/APPLICATION NO.	CP No.03/2009
NAME OF THE COMPANY	
NAME OF THE PETITIONER(S)	Union of India
NAME OF THE RESPONDENT(S)	Maytas Infra Limited & Others
UNDER SECTION	388, 397/398 408

ORDER

Present: Ld. Counsel Mr. Srujan Kumar Reddy for SFIO.
Ld. Counsel Mr. G. Bhupesh for the Respondent No.1.
Ld. Counsel Mr. Amir Bavani and Mr. Naresh Kumar Sangam for the Respondent No. 2 & 3.
None for the Respondent No. 4, 9 & 10.
Ld. Counsel Mr. Jesse Cornelious on behalf of Mr. Sanjay Kishore for the Respondent No.5 & 7.
Ld. Counsel Mr. Y. Suryanarayana for the Respondent No. 6.
Ld. Counsel Mr. Sai Prashanth Reddy for the Respondent No.8.

1. Today, when the matter was taken up, Mr. Srujan Kumar Reddy, Central Government Standing Counsel was not present initially and his colleague requested for pass over. Therefore, Mr. Srujan Kumar Reddy joined the hearing. He stated that draft of submissions has been sent to the Ministry of Corporate affairs for approval and the same is awaited.

2. In the meanwhile, on verification by the Registry, it is found that in this matter a written submission was filed by the earlier Central Government Standing Counsel. However, that is not reflected in the record as having been

filed. Perhaps it was handed over in Court and it is not served on the Respondents excepting a few. Today, copy of the same was circulated to the contesting Respondent's counsel so as to file their response. They will also file response the new written submissions of Shri Srujan Kumar Reddy.

3. Shri. Amir Bavani, Counsel for R2 & R3 referred to various documents in his typed set containing orders of the Company Law Board and the Hon'ble High Court of Andhra Pradesh to plead that the various allegations made relating to violation of the Company Act have been compounded and that has attained finality by the order of the Hon'ble High Court of Andhra Pradesh. On the same lines, Counsel Mr. Y. Suryanarayana for R6 also submitted that in his various replies filed from time to time, the details of the compounding in relation to violation under the Companies Act and final order passed by the Hon'ble Andhra Pradesh High Court will be relevant for consideration. The Counsel for respondents therefore pleaded that no cause arises for prosecuting this petition under Section 388 B of the Companies Act, 1956 because of these developments. The Learned Counsel for R6 also pleaded that the R6 has resigned from the Board long back. There was no cause to proceed against R6 in terms of Section 388 B of the Companies Act, 1956 and the allegations in the petitions are unrelated to the present case.

4. Shri. Srujan Kumar Reddy, Central Government Standing Counsel stated that he has sought for fresh instructions from Ministry of Corporate Affairs on a proposed written submission to be filed. He seeks and is granted liberty to file the same with advance copy to the contesting respondents. It is further pleaded that he wanted to take instructions in relation to R9 & R10, as to whether they are necessary parties. However, if they are *proforma* parties, he would indicate on the next hearing date, if they are not necessary parties, they

can be deleted. Insofar as R2, R3 & R6 is concerned, Sh. Srujan Kumar undertook to file the written submissions in addition to the earlier written submissions.

5. Insofar as R11, R12, R13 & R14 is concerned, Ld. Counsel Mr. Srujan Kumar Reddy and Shri. G. Singhi is directed to clarify the present status of these Respondents by way of a fresh amended memo of parties so that the number of Respondents is clear. This is so because one of the name of the Respondents is reflected twice.

6. The Central Government Standing Counsel is directed to file a memo in terms of our order dated 10.11.2023 before the next date of hearing. Copy be served on all the Respondents.

7. Copy of the written submissions to filed by Central Government Standing Counsel be also served on the contesting Respondents well before the date of hearing so that they can come prepared.

8. List the matter for consideration before the **same bench** on 18.04.2024.

SD/-

**(JUSTICE RAMALINGAM SUDHAKAR)
(PRESIDENT)**

SD/-

**(SHRI CHARAN SINGH)
MEMBER (TECHNICAL)**