

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
HYDERABAD BENCH – 1  
VC AND PHYSICAL (HYBRID) MODE  
ATTENDANCE CUM ORDER SHEET OF THE HEARING HELD ON  
02-05-2024 AT 10:30 AM**

**CP No. 29/241/HDB/2021  
AND  
Cont. A (CA) 4/2024, Intervention App (C A) 1/2024 & IA(CA) 121/2024 in  
CP No. 29/241/HDB/2021  
u/s. 241 of Companies Act, 2013**

**IN THE MATTER OF:**

Mukka Srinivas

**...Petitioner**

**AND**

Sri Sai Pavan Industries Pvt Ltd & Others

**...Respondent**

**C O R A M:-**

**DR. VENKATA RAMAKRISHNA BADARINATH NANDULA, HON'BLE MEMBER (JUDICIAL)  
SH. CHARAN SINGH, HON'BLE MEMBER (TECHNICAL)**

**ORDER**

**CP No. 29/241/HDB/2021**

Matter passed over.

Matter called again.

Learned Counsel Mr Naveen Vasi Reddy, for petitioner present physically.

For continuation of submissions of the petitioner, matter adjourned to 27.06.2024.

**Cont. A (CA) 4/2024**

Call on 27.06.2024.

**Intervention App (C A) 1/2024**

Learned Counsel Smt Sandhya Rani, for applicant present through Video Conference.

This is an application filed by the third party to implead as the proposed 5th petitioner in the Company Petition and permit the petitioner to carry out the consequential amendments.

Admittedly, the petitioner herein is a third party. According to the applicant the applicant is a shareholder and a necessary and a proper party to the CP.

Order 1 Rule 10(2) CPC, which is as below, says that:

*“The Court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the name of any party improperly joined, whether as Plaintiff or*

*Defendant, be struck out, and that the name, of any person who ought to have been joined, whether as Plaintiff or Defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.”*

Thus, the power to add either as plaintiff or as defendant lies with the court with or without any application filed by **either party**. The petitioner is a **third party**. Hence this application is mis conceived.

**This application therefore is rejected as not maintainable.** However, our order will not prevent the applicant from pursuing remedies available to the applicant under law.

**IA(CA) 121/2024**

Learned Counsel Mr Rekhala Prabhakar for petitioner present physically.

This is an application filed by the company petitioner to set aside the order dated 28.03.2022 whereby the opportunity to make submissions was closed as the petitioner failed to make submissions on that day. Learned counsel present and explained the reasons for not making the submissions on that day. Considering the facts and circumstances, **this application is allowed and the petitioner is given one more opportunity to make submissions.** Accordingly, this IA is disposed of. Call on 27.06.2024 for hearing

Sd/-

MEMBER (T)

Sd/-

MEMBER (J)