

**IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH – 1
VC AND PHYSICAL (HYBRID) MODE
ATTENDANCE CUM ORDER SHEET OF THE HEARING HELD ON
18-04-2024 AT 10:30 AM**

**CP No. 35/241/HDB/2022
AND
IA (CA) 272/2023 in CP No. 35/241/HDB/2022
u/s. 241 of Companies Act, 2013**

IN THE MATTER OF:

Opus Developers and Builders Pvt Ltd

...Petitioner

AND

Sunway Opus International Pvt Ltd & 4 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. 35/241/HDB/2022

Learned Senior Counsel Mr Avinash Desai, for petitioner present through Video Conference.

Learned Counsel Mr Sanjay Suraneni, for respondent present through Video Conference.

Matter passed over.

Matter called again. Call on 29.05.2024.

IA (CA) 272/2023

Learned Senior Counsel Mr Avinash Desai, for petitioner present through Video Conference.

Learned Senior Counsel Mr Vivek Reddy, for respondent present through Video Conference.

At this stage, notice to Respondent No.12 yet to be served. Not taken. Hence it is stated that unless the proposed party is to be take notice he cannot be impleaded hence for steps. At request for steps against Respondent No.12 this Tribunal also perused the main prayer.

At this stage learned senior counsel for the respondent pointed out that before allowing further hearing in this application the prayer, the Tribunal may have regard to the relief sought for in the company petition and in the light of the reliefs sought for in the Corporate Debtor, the present application is mis conceived.

We have perused the prayer. It is as clear as crystal, that relief is sought only against respondent no.3 to transfer its entire share holdings in the first respondent company to the petitioner in terms of the proposal state to have been agreed between the said parties. Thus, the entitlement is otherwise if this prayer can be adjudicated with respect to the pleadings put forth by the petitioner, third respondent and first respondent, and the proposed parties prima facie neither necessary nor proper parties.

The learned senior counsel for the petitioner further states that it is not just the relief alone but the pleadings that connect the other parties needs to be same in order to find out whether they are the necessary parties to the lis or not.

Heard. **For orders on 29.05.2024.** Meanwhile, both sides are at liberty to file five page note within a week.

Sd/-
MEMBER (T)

Sd/-
MEMBER (J)