

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 215 of 2018

IN THE MATTER OF:

Santhosh Raja Goud Cheekati

...Appellant

Vs.

Veera Vaishnavi Granite Pvt. Ltd. & Ors.

...Respondents

**Present: For Appellant: - Mr. Rahul Unnikrishnan and Mr. Anuj Sarma,
Advocates**

For Respondent:-

ORDER

05.07.2018— The appellant filed an application under Section 241 and 242 of the Companies Act read with Section 59 of the Companies Act alleging 'Oppression and Mismanagement' against the respondents. The 2nd Respondent Mr. Bhopal Gaud, is the father of the Appellant and the 3rd Respondent Smt. Rohini B.Gaud, is the mother of appellant who are also shareholders of the 1st Respondent company. The National Company Law Tribunal (NCLT), Hyderabad Bench, on hearing the parties held that the removal of the Appellant as Director of the 2nd Respondent company in the meeting held on 21st August 2017 is illegal and set aside the decision to restore the appellant as the Director till next date of the Board of Directors Meeting. The Tribunal also confirmed the appointment of 3rd Respondent (the mother) as the Additional Director with a direction to transfer 50% of the shareholding to the Petitioner in 1st Respondent company from the 3rd Respondent.

2. It is submitted that the appellant has no grievance against the impugned judgement dated 15th May 2018 which has been allowed in his favour except a part of it whereby his mother, 3rd Respondent has been made Additional Director.

3. However, as under sub-section (1) of Section 242, it is always open to the Tribunal to pass appropriate order as deemed fit and proper in a case in the

interest of the company, having taken into consideration all relevant facts the Tribunal while granted full relief to the appellant, who is the son of the 2nd Respondent and 3rd Respondent, if allowed the 3rd respondent -mother to function as Additional Director, we find no ground to interfere with the same.

In the absence of any merit, we dismiss the appeal with cost of Rs. 10,000/- to be paid by the Appellant in favour of the 3rd Respondent (his Mother) within a month.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

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