

NATIONAL COMPANY LAW APPELLATE TRIBUNAL**NEW DELHI****COMPANY APPEAL (AT) NO.259 OF 2019****IN THE MATER OF:****ACME Consultant Pvt Ltd & Anr****Appellants****Vs****Premium Agro Export Ltd & Ors****Respondents**

Mr. Buddy Ragunathan and Ms Sadapurna Mukherjee, Advocates for appellants.

Mr. Atanu Mukherjee, Advocate for R1.

Mr. Avneesh Garg, Advocate for R14.

ORDER

14.11.2019- Learned counsel for the appellant submits that he filed an IA No.133/2017 for amendment and impleading the transferee, Respondent No.14 Mr Rajiv Kumar Singh but the learned NCLT has disposed off the application which is prejudicial to the interest of the appellant as Mr. Rajiv Kumar Singh is a necessary party, he claims to be holder of the 21% shares and the proposed amendment is also necessary for the just decision of the company petition. Therefore, the impugned order may be set aside.

2. Learned counsel for the Respondent No.1 who is representing the company has no say in this regard. Respondent No.14 submits that he is holding 21% shares and he has been impleaded here as Respondent No.14. He submits that he has been unnecessarily dragged on.

3. We have considered the arguments of learned counsel for the parties. We are of the opinion that Respondent No.14 seems to be a necessary party for just decision of the company petition and so far as the amendment of

company petition is concerned, the proposed amendment is also necessary, so that the appellant be able to put his case effectively. Therefore, the impugned order is set aside and the appellant is allowed to amend the petition as per the proposed amendment and also implead Mr. Rajiv Kumar Singh as Respondent. It is clarified that we have not examined the merits of the amendment/CP/CA.

4. Hence the appeal is allowed with the above observation. No order as to costs.

(Justice Jarath Kumar Jain)
Member (Judicial)

(Mr. Balvinder Singh)
Member (Technical)

(Dr.Ashok Kumar Mishra)
Member (Technical)

Bm/nn