

NATIONAL COMPANY LAW APPELLATE TRIBUNAL

NEW DELHI

Company Appeal (AT) No.178 of 2018

IN THE MATTER OF:

Indra Muthuvel and Ors

...Appellants

Vs

S. Balasubramanian & Ors

...Respondents

For Appellant: Ms. Swati Bansal, Advocate.

For Respondent: Ms. M. Venmani, Advocate for R-16

Mr. M. Munusamy, Advocate for R1, R15.

JUDGEMENT

14.03.2019- Appellants seeking impleadment as party respondents in Company Petition No.9/2007 pending disposal before National Company Law Tribunal, Single Bench, Chennai are aggrieved of dismissal of their application in terms of impugned order dated 10.4.2018.

2. After hearing learned counsel for the appellants, we find that the appellants are shareholders and since the shareholders have rejected the agenda by which the Articles of Association of the Respondent Company were proposed to be amended and the management of Respondent company has been defending the Company Petition on the basis of such decision taken by the shareholders, no legitimate interests or legal rights of the appellants are imperrilled. Merely because the appellants would be a proper party as shareholders would not entitle them to be impleaded as party respondents in the Company Petition unless the issues involved in the Company Petition cannot be completely and effectively determined in absence of the appellants

seeking impleadment. That being not the position and there being no genuine prospect of the Articles of Association suffering amendment in the face of rejection of the proposed amendment by shareholders, no good ground is made out to interfere with the impugned order.

3. In view of the foregoing discussion the appeal being devoid of merit is dismissed.

4. This will not, however, preclude the appellants from seeking impleadment as party respondents in case an occasion arises in future providing them a fresh cause of action.

(Justice Bansi Lal Bhat)
Member (Judicial)

(Mr. Balvinder Singh)
Member (Technical)

Bm/nn