

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 02 of 2019

IN THE MATTER OF:

B. Govinda Ramesh

...Appellant

Vs

Vinyasa Engineering Pvt. Ltd. & Ors.

...Respondents

Present:

**For Appellant: Mr. Kumar Sudeep and Mr. Prasanna S.,
Advocates.**

For Respondents:

ORDER

03.01.2019: The Appellant/Petitioner filed an application under section 397, 398, 402 and 406 of the Companies Act, 1956 (now section 241 and 242 of the Companies Act, 2013) alleging oppression and mismanagement. The National Company Law Tribunal, Bengaluru Bench (hereinafter referred to as 'Tribunal') by impugned order dated 12th October, 2018 disposed of the application/ petition filed by the Appellant/Petitioner.

2. Learned counsel appearing on behalf of the Appellant submits that apart from valuation of the share the Appellant had raised more than 10 issues but only one issue relating to valuation has been addressed and rest of the issues have not been discussed or decided by the Tribunal. However, on bare perusal of the impugned order, it appears that learned counsel for the Appellant/Petitioner raised only one issue before the Tribunal, which has decided by the Tribunal. There is nothing on record to suggest that learned counsel on behalf of the Appellant/Petitioner raised some other issues. There may be many issues pleaded before the Tribunal but the Tribunal is not required to suo-moto go through all the issues if during the hearing the parties do not address rest of the issues.

3. As learned counsel for the Appellant/Petitioner submits that all those issues were raised before the Tribunal, we are of the view that the Appellant/Petitioner may bring the same to the notice of the Tribunal by filing a petition for review alongwith certificate of the arguing counsel that he has argued on other issues. In such case, the Tribunal may decide the same in accordance with law. The appeal stands disposed of with aforesaid observation. No costs.

[Justice S. J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

am/gc