

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Reserved on: 04.01.2013

Date of decision: 11.01.2013

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LPA No.1/2013

JAGDISH CHANDER

..... Appellant

Through: In person.

versus

ATMA RAM SAH AND ANR

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MS. JUSTICE INDERMEET KAUR

SANJAY KISHAN KAUL, J.

1. The petitioner filed a WP (C) No.6174/2011 seeking certain directions against the Registrar of Companies ('ROC' for short) for not making available copies of documents as directed by the appellate authority dated 30.09.2011 in respect of M/s.Sequin Medicinals Private Limited and M/s. Densons Poly Products Limited.
2. The writ petition was taken up on 24.10.2011 by the learned single Judge when learned counsel for the respondent appeared and informed that copies of the documents had been provided free of costs to the petitioner. However, the petitioner submitted that the documents would show that the files had not been numbered and that the documents were not certified as being true copies by the respondent.

On 28.02.2012, the order records that the respondent provided copies of complete files maintained in relation to the three companies with which the petitioner was concerned. It also records the direction of the court that the petitioner should identify the documents of which he wants certified copies and apply under the Companies Act, 1956 for obtaining the certified copies thereof. On such application being made, the certified copies were to be made available to the petitioner without any delay. The writ petition stood disposed of.

3. The petitioner filed a Contempt Case (Civil) No.439/2012 in effect seeking compliance of the order dated 24.10.2011 and 28.02.2012. The learned single Judge on 13.07.2012 recorded that it appeared from the reading of the contempt petition that the grievance of the petitioner was that there were certain documents which were missing from the file as also that certain other documents were incomplete qua which he had moved an application before the ROC on 16.05.2012 and 17.05.2012. Notice was issued to the ROC returnable on 16.08.2012. On 16.08.2012, the Assistant Registrar, ROC was present. The court recorded that it was even earlier noticed in the order dated 13.07.2012 that the petitioner had not provided the requisite information i.e. the dates on which the documents were filed for further inquiry to be conducted with regard to the documents alleged to be missing from the file of the ROC.
4. Faced with this position, the petitioner sought authenticated copies of the documents lying in the file of the ROC pertaining to Sequin Laboratories Pvt. Ltd. In order to facilitate issuance of the documents to the petitioner and to put an end to the controversy, the learned single Judge issued directions as under and disposed of the contempt petition.

“ (i) Mr.Atma Sah, Assistant Registrar will produce the file before the Standing Counsel Mr.B.V.Niren. The petitioner shall present himself in the chamber of the Standing counsel on 23.08.2012 at 4.00 p.m. in Chamber no.459, Delhi High Court.

ii) The petitioner shall be given the time to inspect the documents contained in the ROC's file pertaining to the aforementioned company.

iii) On the petitioner identifying the documents, of which he seeks authenticated copy, the same shall be supplied to him. The photocopies of the documents shall be authenticated by Mr.Atma Sah, Assistant Registrar.

iv) In case the petitioner requires certified copies of the very same documents or other documents, he shall file the requisite application along with the necessary fee with the office of the ROC, and upon the same being done, certified copies shall be supplied to him.”

5. The petitioner filed CM No.17398/2012 in the contempt case which was listed before the learned single Judge on 03.10.2012. The learned single Judge noticed the directions issued on 16.08.2012 and the averment in the application that the petitioner visited the office of the advocate for the ROC on 28.08.2012. The learned single Judge found this strange as the date and time had been prescribed for such a visit as 23.08.2012 at 4 PM in the chamber of the counsel. The order further records that the learned single Judge once again called upon the petitioner to indicate a date and time convenient to him to inspect the record of the ROC in terms of the order dated 16.08.2012, but the petitioner refused to indicate the same and insisted that the application filed by him must proceed wherein

damages had been sought under various heads. The counsel for the ROC stated that they were still willing to give inspection to the petitioner. Learned single Judge, thus, dismissed the application but observed that the petitioner would be at liberty to approach the ROC officer as and when convenient to him and if he does so, the directions issued on 16.08.2012 would be complied with.

6. In the present appeal also the grievance made is of counsel not providing the files for inspection on the visit of the petitioner on 28.08.2012 and to support that he has annexed a copy of the visiting card of the advocate. The petitioner has stated in his synopsis that non-availability of the record amounted to an insult to a court order by the counsel and further alleges rude behavior of the advocate. He further makes a grievance that the orders passed on 16.08.2012 and 28.02.2012 were without the presence and knowledge of the petitioner and the learned single Judge in contempt proceedings should have awaited the result of the appointment scheduled for 28.08.2012. It is in view thereof that the petitioner claims to have filed the application for defamation under Sections 499 and 500 of IPC.
7. On consideration of the material before us and the list of dates and events which is all that the petitioner appearing in person relied upon, we find no merit in the appeal. Learned single Judge made every endeavour to ensure that the documents are made available to the petitioner and towards that objective, even fixed a date, time and place vide order dated 16.08.2012. The petitioner, however, never visited the office of the standing counsel for Government of Delhi (counsel for ROC) on the said date or time, but went five days later. Obviously the records were not available when the petitioner so visited. The petitioner has been only

insisting that the records should have been made available when he chose not to go to the counsel, an aspect dealt with by the learned single Judge in the order dated 03.10.2012. The petitioner has been unnecessarily obstinate inasmuch as even in the order dated 03.10.2012, it is noticed that the learned single Judge offered it to the petitioner that another date can be fixed, but the petitioner was not willing to indicate any other date. Despite this, the learned single Judge has granted liberty to the petitioner to approach the office of ROC so that direction dated 16.08.2012 could be complied with as and when the appellant chooses to go to the office of the ROC. The litigation is being carried out unnecessarily without any purpose.

8. Dismissed.

SANJAY KISHAN KAUL, J

INDERMEET KAUR, J

JANUARY 11, 2013/dm