

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

WP(C) 235/2026 CM(578/2026)

KASHMIR MOTOR DRIVERS
ASSOCIATION TH.AB.MAJID GASSI

...Petitioner(s)/Appellant(s).

Through: Mr. Mohammad Hussain, Advocate

Vs.

UOI & ANR.

...Respondent(s).

Through: Mr. T.M. Shamsi, DSGI with Ms Bisma Ali, Adv. for 1 & 2

CORAM: HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

11.02.2026

1. Mr. T.M. Shamsi, learned DSGI, appears and accepts notice in the matter for respondents 1 & 2.
2. Heard the learned counsel for the petitioner in respect of the matter.
3. The case of the petitioner/Association, in nutshell, is that it is a Company incorporated under the Companies Act bearing CIN No. U64202JK1958GAP000232. That the Company became inactive around the year 2018 on account of the demise of it's the then Managing Director and, as such, could not continue with filing of returns/information as required under law. That present representative of the petitioner-Association, namely Abdul Majeed Gassi S/o Ghulam Mohi-ud-din Gassi came to be unanimously appointed as the new Managing Director and authorized signatory of the Association to revive and regularize the statutory status of the Company. That the respondent No. 2, i.e., Registrar of Companies, Jammu & Kashmir, vide his communication/letter bearing No. RoC Jammu/248(1)/458985/2021/1200 dated 16.11.2021, addressed to the then Director of the Company, namely Mohammad Roonga, Faizabad Colony Naik Bagh, Srinagar, Jammu & Kashmir, 19005, India,

conveyed his intention to remove the name of the Company from the register of companies in view of the provisions of Section 248 of the Companies Act, 2013, (hereinafter referred as “the Act” for short) on the ground that the Company was not carrying on any business or operation for a period of two immediately preceding financial years and also did not make any application within such period for obtaining the status of a dormant company under Section 455 of the Act.

The petitioner-Association has sought the issuance of a writ of mandamus directing respondent No. 2, i.e., the Registrar of Companies, Jammu & Kashmir, to revive/re-activate the petitioner’s Association as a Company by activation of its CIN No. U64202JK1958GAP000232 within a time bound period.

4. It is submitted by the learned counsel for the petitioner that immediately after assuming his office, the petitioner submitted a formal application to the respondent No. 2 requesting revival/re-activation of the Company to enable filing of pending statutory documents on the MCA portal. That despite the submission of the representation, the same is not being decided, resulting in serious prejudice to the functioning of the Association, which shall to comply with all statutory obligations. That the petitioner-Association also approached this Court by means of the writ petition bearing WP (C) No. 3000/2025 dated 01.12.2025, which came to be dismissed by this Court vide its order dated 03.12.2025 on the ground that the petitioner has not approached the ROC along with all requisite documents seeking the activation of its CIN. That the petitioner was however, liberty to file a fresh writ petition after completing the formalities, if needed.

5. He further submitted that the petitioner-Association has again approached the respondents with a representation dated 27.12.2025 for revival of its incorporation along-with all documents, but still no action is taken in the matter. It is further contended that the inaction of the respondents is arbitrary, unreasonable and violative of the constitutional guarantees.

6. *Per contra*, it is submitted by the learned DSGI that the contention of the learned counsel for the petitioner to the effect that the petitioner's earlier writ petition bearing WP (C) No. 3000/2025 was dismissed with liberty to the petitioner to approach the respondent No. 2 seeking its re-activation is not correct, but the fact is that the said petition was dismissed as withdrawn after the petitioner was confronted with the issue of maintainability of the same.

7. It is further submitted by the learned DSGI that the respondent No. 2 has already on 16.11.2021 taken action under law by communicating with the petitioner-Association to show cause as to why the name of the Association/Company is not removed from the register of companies. That the petitioner-Association did not submit any reply/representation within the stipulated period, which fact is undisputed. He further submitted that the name of the petitioner's Association/company is deemed to have been removed from the register of companies in the office of the respondent No. 2. It is also submitted by the learned DSGI that the proper remedy is available to the petitioner in terms of the provisions of the Section 252 of the Act by preferring an appeal with the National Company Law Tribunal constituted under Section 408 of the Act.

8. In view of the express provisions of the law, i.e., Companies Act, 2013, this Court is of the opinion that the matter can be disposed of even at this threshold stage by passing of appropriate directions in consonance with the aforesaid provisions of the law.

9. Accordingly, the instant petition is disposed of with the liberty to the petitioner-Association/Company to prefer an appeal before the National Company Law Tribunal against the order of the respondent No. 2, whereby the name of the Association/Company came to be removed from the register of companies. However, in the larger interests of justice and having regard to the difficulties that are believed to have been suffered by the petitioner-Association/Company on account of the past turmoil in the Valley, the delay, if any, in filing the proposed appeal is condoned.

10. Disposed of.

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR
11.02.2026
ARIF