

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.12404 of 2015

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Date: April 27, 2015

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Between:

P.K. Madhav. ... Petitioner

And

1. Union of India,

Rep. by its Secretary,

Ministry of Corporate Affairs,

New Delhi & 2 others. ... Respondents

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HON'BLE SRI JUSTICE S.V. BHATT

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ORDER:

Heard learned counsel for the petitioner and Sri B. Narayana Reddy,
Assistant Solicitor General for the respondents.

2. The petitioner complains against the inaction of respondents in
processing his application dated 17.06.2011, vide SRN B 14409338,
filed under Section 621 A of the Companies Act for compounding the

alleged offence under Section 217 (3) of the Companies Act, 1956, as illegal and arbitrary. The petitioner prays for expeditious consideration and disposal of the application dated 17.06.2011, particularly by the 2nd and 3rd respondents, as the charge against the petitioner can be considered for compounding under Section 621 A of the Companies Act and relieves the petitioner from the order of trial by the learned Magistrate.

3. From the material available on record it is evident that on 17.06.2011 the application of petitioner for compounding the offence was made and the application is numbered as SRN B 14409338. On 03.04.2015, the petitioner sent a reminder to the 3rd respondent to take up the pending issue in the instant application and forward the same to the Company Law Board. The application was made as earlier as on 31.05.2011. The petitioner having regard to the nature of allegation, the remedy provided for under the Companies Act, and to give quietus to the issue, requested for compounding the offence. Hence, there ought not to be further delay in non-consideration of such reasonable request.

4. Hence, the writ petition is ordered by directing the 2nd the 3rd respondents to consider and take appropriate decision on the request of petitioner for compounding the offence and forward the same to competent authority within a period of six weeks from the date of receipt of a copy of this order.

5 . Pending miscellaneous petitions, if any, shall stand closed in consequence. No order as to costs.

S.V. BHATT, J

Date: April 27, 2015.

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