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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: July 13, 2015

+ W.P.(C) 2776/2014

HARISH KHURANA

..... Petitioner

Through: Nemo.

versus

MINISTRY OF CORPORATE AFFAIRS & ANR. Respondent

Through: Ms.Geeta Sharma along with
Mr.Vivek Goyal, Mr.Nishant Piyush
and Mr.Vikrmjeet, Advs. for UOI.
Mr.R.D. Makheeja, Adv. for R-2.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

J U D G M E N T

Ms.G.Rohini (Chief Justice) (Oral)

1. There is no representation on behalf of the petitioner. It is observed that even on the last occasion none appeared for the petitioner.
2. Ms.Geeta Sharma, the learned counsel for the respondent No.1 has brought to our notice that the Companies (Appointment and Remuneration of Managerial Personnel) Rules, 2014 have been amended vide Notification dated 09.06.2014 thereby inserting Rule 8A providing for appointment of a whole time Company Secretary in a company not covered under Rule 8 which has a paid up share capital of five crore rupees or more.

3. The said Amendment dated 9th June, 2014 reads as under:

‘2. In the Companies (Appointment and Remuneration of Managerial Personnel) Rule, 2014 after rule 8, the following rule shall be inserted, namely:-

‘8A. Appointment of Company Secretaries in companies not covered under rule 8. – A company other than a company covered under rule 8 which has a paid up share capital of five crore rupees or more shall have a whole-time company secretary.’

4. In the light of the said amendment, we are of the view that the cause in the writ petition does not survive. Therefore, the matter requires no adjudication on merits.

5. Accordingly, writ petition is dismissed as infructuous.

CHIEF JUSTICE

JAYANT NATH, J

JULY 13, 2015/pmc