

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1905 OF 2013
ALONG WITH
WRIT PETITION NO.1916 OF 2013

Anil Kumar Poddar Petitioner
V/s.

Reliance Industries Ltd.,
Nariman Point, Mumbai & Ors. Respondents

ALONG WITH

WRIT PETITION NO.1959 OF 2013

Anil Kumar Poddar Petitioner
V/s.

Saumya Finance & Leasing Company Pvt. Ltd.
Nariman Point, Mumbai & Ors. Respondents

ALONG WITH

WRIT PETITION NO.1970 OF 2013

Anil Kumar Poddar Petitioner
V/s.

Saumya Finance & Leasing Company Pvt. Ltd.
Nariman Point, Mumbai & Ors. Respondents

ALONG WITH

WRIT PETITION NO.1978 OF 2013

Anil Kumar Poddar Petitioner
V/s.

Futura Commercials Pvt. Ltd.,
Nariman Point, Mumbai & Ors. Respondents

ALONG WITH

WRIT PETITION NO.2780 OF 2013

Anil Kumar Poddar Petitioner
V/s.

Karma Industries Ltd.,
Kandivali (E), Mumbai & Ors. Respondents

Mr. Anil Kumar Poddar, the Petitioner, is present in person.

Mr. Firdosh Pooriwalla, a/w. Mr. Gaurav Thakur, i/by M/s. A.S. Dayal & Associates, for Respondent No.1 in all the Writ Petitions.

Mr. M.S. Bhardwaj, i/by Mr. Dushyant Kumar, for Respondent Nos.2 & 3.

**CORAM : S.C. DHARMADHIKARI &
DR. SHALINI PHANSALKAR-JOSHI, J.J.**

DATE : 4TH AUGUST, 2016.

P.C. :

1. In all these Writ Petitions, the Petitioner has diverse grievances against the Respondent-M/s. Reliance Industries Limited and other Companies.

2. The Petitioner for instance and appearing in person in Writ Petition No.1905 of 2013, has alleged that his rights as a shareholder of the company and investor are affected and seriously prejudiced by the sheer inaction on the part of the Registrar of Companies. He has failed to take action against Respondent No.1, its Officers and Directors. The inaction is in not supplying requisite information. The Petitioner sought information from the Company and after perusing its financial results, he addressed the e-mails. The details of his e-mails are set out in paragraph No.5 of the Petition. Then in paragraph No.6, he states that, the shareholder need not be furnished with a explanation on matters relating to business and

policies of the company, which are only in the domain of the Board of Directors, is the general response of the Company. That is how the shareholders and their rights to know about the affairs of the Company is affected adversely. The Petitioner states that the Registrar of Companies should have taken action on his complaint, but his inaction also leads to filing of these Writ Petitions and, therefore, these Writ Petitions are maintainable.

3. We are unable to agree with the Petitioner, appearing in person, for the simple reason that, being the shareholder and investor, he finds that the financial results of the Company, according to him, do not reveal that his investment is necessarily safe and sound. There are certain policies of the Company, which adversely affect the interest of the shareholders and investors. This allegation is specifically denied by the Company. The Company has addressed a letter to the Petitioner and has dealt with his complaint and, *inter alia*, invited his attention to the fact that he has proceeded against the Company before the Company Law Board, but he did not succeed. The Petitioner has been raising these queries and repeatedly. It has also been alleged by the Company that the Petitioner's actions and demands are not borne out of any genuine interest or concern as a shareholder, but he is carrying on a malicious grudge against the

Company and its Directors and Officers. It is the nature of these allegations that compelled us to take a view in these Petitions that the remedy of the Petitioner lies elsewhere.

4. Because the Petitioner is an individual and, therefore, cannot muster the strength to approach the Company Law Board or that the Registrar of Companies is not taking any action, does not mean that he is remedy-less. The Petitioner has such remedies available and he can approach the competent Civil and/or Criminal Court in the event he is aggrieved and dissatisfied with the response of the Company. We, in writ jurisdiction, do not find it convenient to deal with factual disputes. Our jurisdiction being limited, we dispose of all these Petitions by relegating the Petitioner to the appropriate and equally efficacious remedies.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [S.C. DHARMADHIKARI, J.]