

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3867 of 2017

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Rohit Kumar, Son of Sri Laxmi Nath Jha, resident at C/O Mahaeshwar Chandra Niwas, B.B. Srivastava, New bypass, P.O.- Anisabad, P.S.- Gardanibagh, District- Patna.

.... Petitioner

Versus

1. The Union of India through Secretary, Ministry of Corporate Affairs, Government of India, New Delhi.
2. The Secretary, Ministry of Corporate Affairs, Government of India, New Delhi.
3. The Additional Secretary, Ministry of Corporate Affairs, Government of India, New Delhi.
4. The Secretary, Ministry of law & Justice, Government of India, New Delhi.
5. The Registrar of Companies, Bihar-cum-official Liquidator, High Court, Patna having its office at 4th Floor, 'A' Wing Maurya Lok Complex, Dakbunglow Road, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate
Mr. Rohit Kumar, Advocate
For the UOI : Mr. S.D Sanjay (Addl. Soc. Gen.)
For the O.L. : Mr. Anshay Bahadur Mathur, CGC

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 28-07-2017

In this public interest litigation challenge is to a notification dated 1.6.2016 in the matter of establishment of National Company Law Tribunal. Contending that for the State of Bihar the Tribunal has not been constituted with headquarters at Patna, it has been attached to the National Company Law Tribunal, Kolkata and seeking quashing of the notification and a further direction to the respondent-Union of India to establish a Bench of the Tribunal in Patna, this application has been filed.



Shri S.D. Sanjay learned Additional Solicitor General appearing on advance notice, invites our attention to petitioner's own affidavit and document Annexure-4(A) filed along with the writ petition to say that in the High Court at Patna only 38 matters pertaining to company petitions are pending and the cases are of the year 1975 up-to 2016 and after transfer of some of the original company petition to the Tribunal there would be hardly any work for a Tribunal to function in Patna. It is indicated that investment of huge amount for establishing a Tribunal in Patna, for referring to such minimum number of cases, is not required. Therefore, the policy decision has been taken by the Government at present not to establish a Bench of the Tribunal at Patna for looking the cases pending.

Keeping in view the aforesaid position, we find no reason to make interference into the matter. According, the writ petition stands dismissed.

(Rajendra Menon, CJ)

S.Pandey/-

(Anil Kumar Upadhyay, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.08.2017
Transmission Date	

