

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2017

CORAM

THE HONOURABLE MR. **JUSTICE M.M.SUNDRESH**

Company Petition No.170 of 2016

Periashola Tea Factory Private Limited,
10/575-D11, Court Road,
Gudalur - 643 212, The Nilgiris,
Tamil Nadu.

.. Petitioner

Vs.

The Registrar of Companies,
Coimbatore, Stock Exchange Building,
II Floor, 683, Trichy Road,
Singanallur, Coimbatore - 641 005.

.. Respondent

Petition filed under Sections 560(6) of the Companies Act, 1956
to restore the name of the petitioner Company in the Register of
Companies maintained by Registrar of Companies, Tamil Nadu,
Coimbatore.

For Petitioner

:

Mr.G.S.Shivakumar,
Sr. Counsel
for Mr.R.Sankaranarayanan

For Respondent

:

Mr.C.V.Ramachandramurthy

ORDER

This petition has been filed by the petitioner seeking to restore the name of the petitioner company in the Register of Companies maintained by the Registrar of Companies.

2.Learned senior counsel appearing for the petitioner would submit that the petitioner would comply with all the requirements including the filing of the returns, payment of fees and additional fees. Therefore, unless and until the restoration is ordered the compliance as sought for cannot be made. In the counter affidavit filed by the respondent, in paragraphs 15 and 16, it has been stated as follows:

"15.Further there were two directors for the petitioner company which was struck off. If one of the director is interested in revival of the company, the interested director should make the remaining director as a party either as petitioner or respondent.

16.The respondent has no objection in revival of the company subject to making all directors as party to this petition along with direction to file all pending statutory returns with fees and additional fees applicable thereto. The petitioner may be directed for payment of cost of proceedings to the respondent not less than Rs.50,000/- in line of starred decision made in C.P.20/2008 of Hon'ble

High Court of Kerala dated 11th December, 2008."

3. Based upon the same, the learned counsel for the respondent would submit that the application may be ordered subject to the compliance of the aforesaid paragraphs.

4. By way of reply, learned senior counsel for the petitioner would submit that the other director by name K.C. Moideen Koya has also filed an affidavit, in which, he has stated that he is in full agreement with the contents of the petition filed by K.P. Basheer. There are only two directors of the company.

5. Considering the above, this Court is inclined to direct the respondent to restore the name of the petitioner company in the Register of Companies. It is made clear that the petitioner will have to comply with paragraphs 15 and 16 of the counter affidavit. The company petition is disposed of accordingly.

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M.M.SUNDRESH,J.



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