**HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN**

**AND**

**HON'BLE Dr. JUSTICE SHAMEEM AKTHER**

**WRIT APPEAL No.228 OF 2017**

**JUDGMENT**: (*Per* Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This Appeal, under clause 15 of Letter Patent, is preferred against the order passed by the learned Single Judge in Writ Petition No.19796 of 2016 dated 06.02.2017.

The appellant herein is the third respondent in the writ petition. The first respondent herein filed Writ Petition No.19796 of 2016 to declare the communication dated 11.05.2016, issued by the Registrar of Companies, Andhra Pradesh, declaring the disputes between the first respondent-writ petitioner and the appellant as a 'Management Dispute', as illegal and arbitrary.

In the order under Appeal, the learned single Judge observed that the impugned order was passed without application of mind to the facts of the case. The learned single Judge set-aside the order passed by the Registrar of Companies, and remanded the matter to him for taking appropriate action, in accordance with law, pursuant to the earlier order passed by this Court in Writ Petition No.7726 of 2016 dated 10.03.2016. The learned single Judge observed that the second respondent could hear the petitioner as well as the third respondent before passing appropriate orders, and directed that the entire exercise shall be completed within a period of three (3) months from the date of receipt of a copy of the order.

Sri L. Ravi Chander, learned Senior Counsel, appearing on behalf of the appellant, would submit that the three (3) months time granted by

this Court to the Registrar of Companies, to re-determine whether the dispute between the appellant and the first respondent constitutes a Management Dispute, may well result in the first respondent bringing forth a drastic change in the very structure of the company, thereby affecting the appellant's rights forever; and this Court may consider directing the first respondent to maintain *status-quo* till the third respondent passes an order afresh, and in accordance with law.

Sri R. Raghunandan, learned senior counsel, appearing on behalf of the first respondent-writ petitioner, would, however, contend that the relief which is now sought on behalf of the appellant, if granted, would travel even beyond any order the Registrar of Companies may pass; even if the Registrar of Companies were to pass an order in favour of the appellant, their *inter-se* dispute would be declared to be a Management Dispute requiring the first respondent-writ petitioner to disclose the existence of such disputes on its website; that, by itself, would not disable the first respondent-writ petitioner from exercising control over the company, and take decisions in its best interests; and grant of any such relief would cause irreparable injury to the first respondent-writ petitioner.

It is wholly un-necessary for us to dwell on this aspect any further, as both Sri L. Ravi Chander, learned Senior Counsel appearing on behalf of the appellant, and Sri R. Raghunandan, learned Senior Counsel appearing on behalf of the first respondent, would agree that, instead of examining the rival contentions, it would suffice if the third respondent herein is directed to dispose of the appellant's representation dated 17.02.2016 within a period of one (1) month from the date of receipt of a copy of this order. As learned senior counsel, appearing on either side, are in agreement, the Appeal is disposed of directing the third respondent,

Registrar of Companies, to dispose of the appellant's representation, in accordance with law after giving both the parties an opportunity of being heard, at the earliest and, in any event, not later than one (1) month from the date of receipt of a copy of this judgment.

The Writ Appeal is, accordingly, disposed of. As a sequel, pending miscellaneous petitions, if any, shall stand disposed of. No order as to costs.

**RAMESH RANGANATHAN, ACJ**

**Dr. SHAMEEM AKTHER, J**

Date: 28-02-2017.

**Note**: Issue C.C. in three days.

B/o. DSH/SIVA

**HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN**

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HIGH COURT OF JUDICATURE AT HYDERABAD FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
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**NOTE**: C.C. IN 3 DAYS

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**WRIT APPEAL No.228 OF 2017**

(Judgment of the Division Bench delivered by
Hon'ble the Acting Chief Justice Ramesh Ranganathan)

Date. 28-02-2017

**DSH**