

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 17152 of 2016 (O&M)
Date of decision : 14.02.2017

Company Law Tribunal Bar Association, ChandigarhPetitioner

Versus

Union of India and othersRespondents

CORAM HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Anand Chhibbar, Senior Advocate with
Mr. Gaurav Mankotia, Advocate for petitioner.

Mr. Chetan Mittal, Senior Advocate/Assistant Solicitor General
with Mr. Arun Gosain, Advocate for respondents No.1 to 3.

Respondents No.4 & 5 struck off vide order dated 09.09.2016.

Mr. S.S. Pannu, Deputy Advocate General, Haryana for
respondents No.6 and 7.

Mr. H.S. Brar, Advocate for respondents No.8 and 9.

None for respondent No.10.

S.S. SARON J.

The petitioner Company Law Tribunal Bar Association, Chandigarh through its Secretary Mr. Vaibhav Sahni, Advocate filed the present petition under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of certiorari for quashing/modifying the notification dated 01.06.2016 (Annexure P-1) in pursuance of which the territorial jurisdiction to decide the cases of the companies having registered office in the State of Haryana had been conferred upon the National Company Law Tribunal at New Delhi even though a separate Bench of the National Company Law Tribunal had been constituted at Chandigarh, which

had jurisdiction of the companies that had registered offices in the States of Himachal Pradesh, Jammu & Kashmir, Punjab and Chandigarh.

The other prayer that has been made is to issue an appropriate direction to the respondents to amend the aforesaid notification dated 01.06.2016 (Annexure P-1) to the extent that the State of Haryana should be within the territorial jurisdiction of the National Company Law Tribunal, Chandigarh.

Notice of motion was issued in the case on 23.09.2016.

National Company Law Appellate Tribunal and National Company Law Appellate Tribunal, Principal Bench, New Delhi (respondents No.4 and 5) were struck off from the array of respondents on 09.09.2016 as learned Senior Counsel appearing for the petitioner submitted that they were in fact proforma respondents and no relief was claimed against them.

Mr. Chetan Mittal, Senior Advocate, Assistant Solicitor General of India had during the course of hearings submitted that the representation dated 05.06.2016 (Annexure P-7) filed by the petitioner - Company Law Tribunal Bar Association, Chandigarh was under consideration and, therefore, the writ petition was premature. Keeping in view the fact that the said representation was under consideration, it was considered that it would be just and expedient that the worthy Secretary, Ministry of Corporate Affairs, New Delhi (respondent No.3) considered the same as expeditiously as possible. Besides, the opinion of the President, Principal Bench of the National Company Law Tribunal, New Delhi may also, if considered desirable, be sought. Mr. Chetan Mittal, Senior Advocate

was not averse to representative of the petitioner - Company Law Tribunal Bar Association, Chandigarh; the Bar Council of Punjab and Haryana High Court (respondent No.8) and the Bar Association of Punjab and Haryana High Court (respondent No.9) being heard by the worthy Secretary.

The learned Senior counsel for the petitioner on 10.11.2016 submitted that personal hearing in respect of the representation dated 05.06.2016 (Annexure P-7) was given by the worthy Secretary, Ministry of Corporate Affairs, New Delhi (respondent No.3). Some information had been sought by the Secretary from the Principal Bench of the National Company Law Tribunal, New Delhi.

Learned counsel for respondents No.1 to 3 on 20.12.2016 submitted a copy of letter dated 19.12.2016 from the Government of India, Ministry of Corporate Affairs addressed to the Registrar of Companies, Chandigarh mentioning that in continuation of Ministry's earlier letter dated 19.12.2016, the Central Government had agreed in principle to the assigning of jurisdiction of State of Haryana to the National Company Law Tribunal, Chandigarh Bench. The issuance of necessary notification in this regard was under process as it involved consultation with the Ministry of Law and Justice. Once vetted by the Ministry of Law and Justice, the notification would be issued. On the said date, CM No.14423-CWP of 2016 was filed by the National Company Law Tribunal and Appellate Tribunal, Bar Association, New Delhi through its Hony. Secretary Sh. Rakesh Kumar for impleading it as respondent No.10. The same was allowed and the National Company Law Tribunal and Appellate Tribunal Bar Association through its Hony. Secretary was impleaded as respondent No.10.

The case was adjourned to 23.01.2017 and in the meanwhile, it was ordered that the cases pertaining to Haryana that were pending in this Court and were required to be transferred to the National Company Law Tribunal (NCLT), New Delhi in view of the notification dated 07.12.2016 be not transferred and be retained here.

When the case was taken up today, notification dated 03.02.2017 issued by the Ministry of Corporate Affairs and published in the Gazette of India : Extraordinary [Part-II Section 3(ii)] has been submitted, which reads as under:-

MINISTRY OF CORPORATE AFFAIRS

NOTIFICATION

New Delhi, the 3rd February, 2017

S.O. 345 (E). - In exercise of the powers conferred by sub-section (1) of section 419 of the Companies Act, 2013 (18 of 2013), the Central Government hereby amends the notification of the Ministry of Corporate Affairs number S.O. 1935 (E) dated the 1st day of June, 2016, namely: -

2. In the said notification, in the Table, -

(i) In serial number 1, in column number (4), the entry “(1) State of Haryana”, shall be omitted.

(ii) In serial number 5, in column number (4), after entry (4), the following entry shall be inserted, namely:-

“(5) State of Haryana”.

[F.No. A – 45011/80/2016-Ad. IV]

GYANESHWAR KUMAR SINGH, Jt. Secy.

In terms of the above notification dated 03.02.2017, the notification dated 01.06.2016 (Annexure P-1) stands amended to the extent

that the jurisdiction of the State of Haryana shall now be under the National Company Law Tribunal, Chandigarh Bench. The position in terms of the notification dated 01.06.2016 was as follows:-

“Notification

New Delhi, the Ist June, 2016

S.O. 1935 (E). - In exercise of the powers conferred by sub-Section (1) of Section 419 of the Companies Act, 2013 (18 of 2013), the Central Government hereby constitutes the following Benches of the National Company Law Tribunal mentioned in column (2) of the table below, located at the place mentioned in column (3) and to exercise the jurisdiction over the area mentioned in column (4), namely:-

TABLE

Sr. No.	Title of the Bench	Location	Territorial Jurisdiction of the Bench
(1)	(2)	(3)	(4)
1.	(a) National Company Law Tribunal, Principal Bench. (b) National Company Law Tribunal, New Delhi Bench.	New Delhi	(1) State of Haryana. (2) State of Rajasthan. (3) Union Territory of Delhi
2.	XX	XX	XX
3.	XX	XX	XX
4.	XX	XX	XX
5.	National Company Law Tribunal, Chandigarh Bench	Chandigarh	(1) State of Himachal Pradesh. (2) State of Jammu and Kashmir. (3) State of Punjab. (4)Union Territory of Chandigarh

In terms of the amendment that has been carried out by way of modification dated 03.02.2017, the above notification dated 01.06.2016 insofar as the Table is concerned, the entry of State of Haryana in serial No.1 in column No. (4) has been omitted and inserted in serial No.5 in column No. (4), after entry (4), that is, after Union Territory, Chandigarh.

Therefore, the company cases of Haryana State would now be under the jurisdiction of the National Company Law Tribunal, Chandigarh Bench at Chandigarh.

In the circumstances, the cases which in terms of the notification dated 07.12.2016 were to be transferred to the National Company Law Tribunal, New Delhi in view of the notification dated 03.02.2017 are to be transferred to the National Company Law Tribunal, Chandigarh Bench, Chandigarh.

No one has appeared for National Company Law Tribunal and Appellate Tribunal, Bar Association, New Delhi (respondent No.10). Mr. Anand Chhibbar, Senior Advocate has submitted that they have in all likelihood accepted the vesting of jurisdiction of company law cases of the companies having registered office in the State of Haryana to the National Company Law Tribunal, Chandigarh Bench, Chandigarh.

In the circumstances, the relief claimed by the petitioner has been acceded to by respondents No.1 to 3 and the writ petition is accordingly disposed of.

The Registrar (Judicial) of the High Court shall send the files of company cases having registered office at Haryana to the National Company Law Tribunal, Chandigarh Bench, Chandigarh.

(S.S. SARON)
JUDGE

14.02.2017
sunil yadav

(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No