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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11697/2017

GOODYEAR INDIA LTD.

..... Petitioner

Through: Mr Sudhir Chandra Agarwala, Senior Advocate with Mr S.S. Rana, Ms Priya Adlakha and Mr Daljeet Dabas, Advocates.

versus

MINISTRY OF CORPORATE AFFAIRS
AND ORS.

..... Respondents

Through: Mr Chiranjeev Kumar and Mr Mukesh Sachdeva, Advocates for R-1 & 2/IOI.
Mr Rajat Katyal and Mr Harsh Sinha, Advocates for R-3.
Ms Kashish Narang, Advocate for ICICI Bank.
Mr S.L. Gupta and Mr Sharan Kumar, Advocates for R-6/SBI.
Mr Vikramjetly, CGSC for ROC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **22.12.2017**

CM No. 47456/2017

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 11697/2017 and CM No. 47455/2017

3. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to respondent no.3 to 6 to de-freeze the bank accounts

of the petitioner as the petitioner is an active company.

4. Apparently, the petitioner's accounts have been frozen pursuant to an order passed under Section 248 of the Companies Act, 2013. The petitioner points out that there has been an obvious error inasmuch as the petitioner has been filing its returns and is fully compliant with the provisions of the Companies Act, 2013.

5. It is pointed out that another company by the name "Good Year India Ltd." having the CIN No. U99999DL2000PTC001820 is the defaulting company. The order passed under section 248 of the Companies Act, removing the name of the company from the Register of Companies relates to that company but by an obvious error the petitioner's bank accounts have been directed to be frozen.

6. Mr Sudhir Chandra, Learned Senior Advocate appearing for the petitioner points out that the petitioner is a well-known company and has been manufacturing tyres under the brand name "GOODYEAR" since past several decades.

7. The learned counsel for the respondents does not dispute that this is a case of an inadvertent error.

8. In view of the above, the present petition is allowed and respondent nos. 1 and 2 are directed to issue appropriate directions for de-freezing the bank accounts of the petitioner forthwith.

9. The petitioner is also at liberty to approach respondent nos. 3, 4, 5 and 6 and other banks with whom the petitioner maintains its accounts and call

upon them to permit operations of the bank accounts on the strength of this order. The concerned banks are directed to permit bank operations.

10. It is clarified that if respondent nos. 1 and 2 are of the view that there has been no mistake, they are at liberty to issue an appropriate reasoned order and initiate fresh action after prior intimation to the petitioner.

11. The petition and the application are disposed of with the aforesaid directions.

12. Order *dasti* under signature of Court Master.

VIBHU BAKHRU, J

DECEMBER 22, 2017
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