

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1218 OF 2015***

Anil Kumar Poddar

Petitioner

Versus

Unno Industries Ltd. & Ors.

Respondents

None for the Petitioner.

Mr. D.R.Shah for respondent Nos. 2 & 3.

Mr.Chirag Bhavsar i/b. MDP & Partners for Respondent No.4.

CORAM : RANJIT MORE &

SMT. SADHANA S.JADHAV,JJ.

DATE :17th April, 2018.

P.C. :

None appears for the petitioner. Heard learned counsel for respondent Nos. 2, 3 and 4.

2. The petition is filed for the following reliefs :-

"(a) That this Hon'ble Court be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction in the nature of Writ of Mandamus ordering and directing the Respondent No.2 to take steps for filing of prosecution on behalf of petitioner against Respondent No.1 Company as permitted under the provisions of Sec. 119, 136, 170, 171, 186, 189 and other applicable provision of the Companies Act 2013 & 1956 for commission of offence by Respondent No.1 Company.

(b) That this Hon'ble Court be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction in the nature of Writ of Mandamus ordering

and directing the Respondent No.2, 3, 4 & 5 to take steps for ensuring that the respondent No.1 company and the respondent company comply with all the compliances which under various provision of Companies Act 2013 & 1956 are mandatory.”

3. The petitioner had also earlier filed Writ Petition No.82 of 2014 claiming exactly the same reliefs. The said Petition was placed for hearing before a Division Bench consisting of Justice S.C. Dharmadhikar and Justice B.P.Colabawalla on 21.12.2014. In the order dated 21.12.2015, the Division Bench observed that “in the event the Petitioner is aggrieved by the inaction of the statutory authority, nothing prevents him from approaching a competent criminal court and filing a private complaint”. With this observation, the Division Bench refused to entertain the petition.

4. Since the petition filed by the petitioner exactly on the same relief was heard and disposed of on merits, we are not inclined to entertain this petition. The same is accordingly dismissed.

[SMT. SADHANA S.JADHAV, J.]

[RANJIT MORE, J.]