

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.11.2018

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.31761 & 31769 of 2018 and
W.M.P.Nos.36984 & 36997 of 2018

ORE Trust
Rep. By Trustee
R.Ravichandran,
No.9, Norton, 2nd Street,
Mandavelipakkam,
Chennai -600 028.

... Petitioner in W.P.No.31761 of 2018

Nandakumar Athappan

... Petitioner in W.P.No.31769 of 2018

...Vs...

1.The District Registrar,
102, State Bank Road,
District Collector Office Campus,
Coimbatore 641 018.

2.The Sub-Registrar (DR Cadre),
Sub-Registrar Office (South),
Singanallur Village,
4/101, Thottangal Veedhi,
Chindamani Pudur Post,
Coimbatore -641 103.

... Respondents in both W.P.Nos

PRAYER IN W.P.No.31761 of 2018: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, directing to quash the letter Naka No.485/2018 dated 01.11.2018 issued by the 2nd respondent refusing to register the order dated 31.12.2015 passed in E.P.No.36/2011 in C.P.No.76/2005 by the Company Law Board and directing the 2nd respondent to register the order dated 31.12.2015 passed in E.P.No.36/2011 in C.P.No.76/2005 dated 31.12.2015.

PRAYER IN W.P.No.31769 of 2018: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ

of Certiorarified Mandamus, directing to quash the letter Naka No.484/2018 dated 01.11.2018 issued by the 2nd respondent refusing to register the order dated 31.12.2015 passed in E.P.No.35/2011 in C.P.No.65/2005 by the Company Law Board and directing the 2nd respondent to register the order dated 31.12.2015 passed in E.P.No.35/2011 in C.P.No.65/2005 dated 31.12.2015.

For Petitioners

(In W.P.No.31761 : Mr.AR.L.Sundaresan, Senior Counsel
of 2018) for Mr.K.Mahendran

(In W.P.No.31769
of 2018) : Mr.J.Sivanandaraj
for Mr.S.Sakthivel

For Respondents : Mr.T.M.Pappiah
(in both W.P.'s) Special Government Pleader

C O M M O N O R D E R

These Writ Petitions have been filed by the petitioners challenging the order passed by the second respondent on 01.11.2018 in NAKA Nos.485/2018 and 484/2018 respectively, refusing to register the order dated 31.12.2015 passed in E.P.Nos.36 and 35 /2011 in C.P.Nos.76 and 65 /2005 respectively by the Company Law Board.

2. Heard the learned counsel for the petitioners as well as the learned Special Government Pleader who accepts notice on behalf of the respondents. Perused the materials available on record.

3. A perusal of the impugned orders would go to show that the request for registration of the orders dated 31.12.2015 was rejected on ground that the same was not presented for registration within time stipulated under Section 23 of the Registration Act.

4. The copy of the judgements sought to be registered was passed on 31.12.2015, which was received by the second respondent and a letter of acknowledgement was sent to the Company Law Board on 16.03.2016, wherein the second respondent has stated that he acknowledged the receipt of the copy of the judgements. Thereafter the second respondent has sent another communication to the Bench Officer on 26.04.2016, requesting him

to advise the parties concerned to pay required stamp duty and registration fees in accordance with law and to produce the documents either for Registration or for filing. The copy of the Check memo was also issued on 03.05.2016, by the second respondent, calling upon the petitioners to pay the stamp duty and the registration charges for the purpose of registering the document. Admittedly, the stamp duty has not yet been paid and therefore, the second respondent had passed the impugned orders. However, in the impugned orders it is stated that the documents were not presented within four months from the date of Judgment, as per Section 23 of the Registration Act.

5. As from the above facts, admittedly the documents were presented and received by the second respondent within a period of limitation but the stamp duty was not payable. As the documents were received by the Registrar directly from the Company Law Board within a period of limitation the petitioners were directed to pay the stamp duty and the registration charges.

6. In the light of the above facts, the impugned orders of the second respondent dated 01.11.2018 are set aside. The second respondent is directed to register the documents as sought for by the petitioners on payment of the stamp duty and Registration charges, within a period of four weeks from the receipt of the copy of this order.

7. These Writ Petitions are disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

arr

To

1.The District Registrar,
102, State Bank Road,
District Collector Office Campus,
Coimbatore 641 018.

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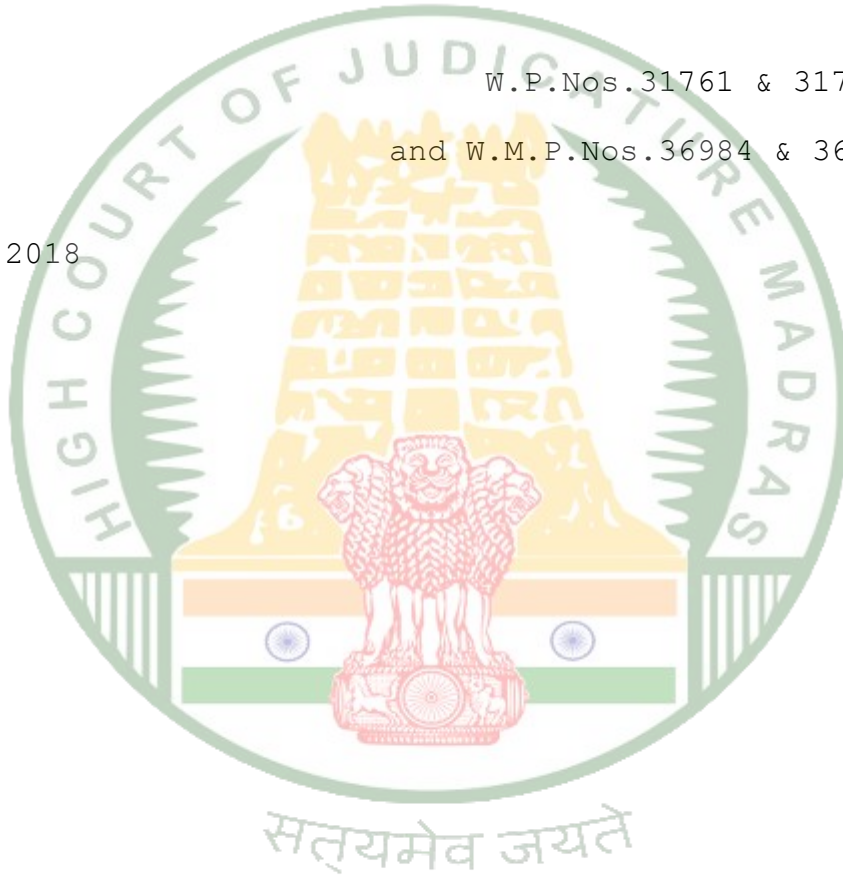
2.The Sub-Regostrar (DR Cadre),
Sub-Registrar Office (South),
Singanallur Village,
4/101, Thottangal Veedhi,
Chindamani Pudur Post,
Coimbatore -641 103.

+1 cc to Mr.S.Sakthivel, Advocate SR.No.82150
+1 cc to Mr.K.Mahendran, Advocate SR.No.82151
+1 cc to The Government Pleader, SR.No.82933

W.P.Nos.31761 & 31769 of 2018

and W.M.P.Nos.36984 & 36997 of 2018

VG-II(CO)
CSL/14.12.2018



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