



WEB COPY

1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WP (MD) No.22368 of 2017

and

WMP (MD) No.18674 of 2017

1.M/s.ABI Media Network (P) Ltd.,
rep.through its Managing Director,
S.D.Ponseelan,
No.67/7C, Sivanthakulam Road,
Thoothukudi - 628 002,
Tuticorin District.

2.S.D.Ponseelan

3.Anitha Roselin Geetha

... Petitioners

Vs.

1.The Ministry of Corporate Affairs,
(A Wing) rep.by its Secretary,
Government of India,
Shastri Bhawan,
Rajendra Prasad Road,
New Delhi - 110 001.

2.The Registrar of Companies,
(Tamil Nadu),
Shastri Bhavan, Haddows Road,
Nungambakkam,
Chennai - 600 006.

... Respondents

Petition filed under Article 226 Constitution of India to issue a Writ of Mandamus directing the respondents to permit the petitioners to submit the returns to be filed by the first petitioner for the period commencing from 2010-2011 to 2016-2017 in compliance with Rule-14 of the above stated Rules R/w. Form DIR-8 Form DIR-9 and Form DIR - 10 by providing the Petitioners e-platform access and in compliance directing the respondents to remove the name of the first petitioner's company from the defaulters list as maintained by the respondents.

For Petitioners

: Mr.R.M.G.Govardhanan

For Respondents

: Mr.V.Kathirvelu

Assistant Solicitor General

assisted by Mr.G.Rajaraman

ORDER

This writ petition has been filed seeking direction to the respondents to permit the petitioners to file returns for the period commencing from 2010-2011 to 2016-2017.



2. According to the petitioner, the first petitioner is a Private Limited Company, registered under the Indian Companies Act, 1956 and registered with the second respondent with corporate Identity Numbers : U92130 TN 2008 PTC 067237 - 2008 - 2009 and the respondents allotted DIN Number 02046424 to the first petitioner and DIN Number 02046450 to the third petitioner. The first petitioner company could not run its business on account of financial loss and therefore, the petitioners are not able to file returns for more than three years. Due to non submission of returns, the name of the petitioner company has been removed from the register by the second respondent vide order dated 29.06.2017. In the above circumstances, the petitioner has filed the present writ petition, seeking direction to the respondents to permit the petitioners to file returns for the above said period.

3. On notice, Mr.V.Kathirvelu, learned Assistant Solicitor General, appearing for the respondents submitted that admittedly, the petitioner did not file any return for the period 2010-2011 to 2016-2017 and now the petitioners can very well submit their returns along with an affidavit stating the reasons for non submission of the returns in time before the second respondent, the Registrar of Companies, (Tamil Nadu), Nungambakkam, Chennai. On filing such returns, the second respondent will consider the same and pass suitable orders.

4. The learned counsel appearing for the petitioners also agreed for the same.

5. In the above circumstances, the petitioners are directed to submit their returns for the period commencing from 2010-2011 to 2016-2017 along with proper application, explaining the reasons for non submission of the application in time within a period of four weeks from the date of receipt of a copy of this order. On filing such returns along with application, the second respondent is directed to consider the same and pass suitable orders on merits and in accordance with law within a period of six weeks thereafter.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, WMP(MD)No.18674 of 2017 is closed.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

1. The Secretary,
Ministry of Corporate Affairs,
(A Wing)
Government of India,
Shastri Bhawan,
Rajendra Prasad Road,
New Delhi - 110 001.



2.The Registrar of Companies,
(Tamil Nadu),
Shastri Bhavan, Haddows Road,
Nungambakkam,
Chennai - 600 006.

+1cc to Mr.G.RAJARAMAN,Advocate,SR. 46698

+1cc to Mr.R.M.G.GOVARDHANAN,Advocate,SR. 47115

WP (MD) No.22368 of 2017
07.02.2018

MJ
KK/SV MMS/SAR1 /08.02.2018/ 3P- 5C/