

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10712 of 2019

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1. Vijay Shankar Jha Son of Madhukant Jha, Resident of Adarsh Vihar, West Ramkrishna Nagar, P.S. Ramkrishna Nagar, District-Patna.
 2. Khushbu Kumari Wife of Vijay Shankar Jha, Resident of Adarsh Vihar, West Ramkrishna Nagar, P.S. Ramkrishna Nagar, District-Patna

... .. Petitioner/s

Versus

1. Union of India through the Secretary, Ministry of Corporate Affairs, New Delhi.
2. The Registrar of Company, Bihar Zone Maurya Lok Complex, Dak Benglow Road, Patna Bihar, Patna.
3. Assistant Registrar of Company, Bihar Zone Maurya Lok Complex Dak Benglow Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Surya Kant Mishra,Advocate
For the Respondent/s : Mr. AC to AD SG

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

- 2 28-06-2019 The petitioners in the present case have challenged the Memo No. 502 dated 11.05.2018 issued under the signature of respondent no. 3 whereby he has informed the M/s Huma Care Pharmaceutical Pvt. Ltd. and one Mahesh Kumar Jha that the company has failed to commence its business within one year of its incorporation and since it has not filed the balance sheet for more than two financial years and has not made any application for obtaining the status of dormant company under Section 455 of the Companies Act, 2013 and that the company has filed an application under sub-section (2) of Section 248 for removing the name from the register of companies on the



ground mentioned in sub-section (1) of Section 248, unless a cause to the contrary is shown within the time period above provided in the notice, the name of the company shall be liable to be removed from the register of companies and the directors of the company shall be liable for appropriate action under the Act.

It is apparent from the prayer made in the writ application that the petitioners want this Court to quash the notice as contained in Annexure '1'.

In the opinion of this Court, by the impugned notice the Registrar of Companies, Patna has called upon the petitioners to show cause and has not passed any final order. The petitioners have got no cause of action at this stage as it is open for them to submit their stand before the Registrar of Companies, Patna who may look into the same and pass an appropriate order in accordance with law.

The writ application as appearing at this stage stands dismissed.

(Rajeev Ranjan Prasad, J)

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