IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2019

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.Nos. 23342 of 2003 & 4100 of 2009
and
M.P.No.28818 of 2003 & M.P.No.1 of 2009

Virender Sood ... Petitioner in both W.Ps

Vs

1. The Registrar of Companies,
Government of India,
Shastri Bhavan,
Block No.6, II Floor,
26, Haddows Road,
Chennai 600 006.

2. The Assistant Registrar of Companies,
Tamil Nadu, Chennai,
C/o. Registrar of Companies,
Shastri Bhavan,
Block No.6, II Floor,
26, Haddows Road,
Chennai 600 006.

3. M/s. Sai Home Finance Ltd.,
8,Thirumalai Pillai Road,
T. Nagar, Chennai 600 017

...Respondents in W.P 23342 / 2003

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PRAYER in W.P.23342 of 2003 : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the notice issued by the 2nd respondent vide NO.34389/146/ROC/2003/IPC dated 29.05.2003 and quash the same and direct the respondents 1 and 2 to accept the resignation submitted by the petitioner directly to the first respondent dated 21.05.2001 and consequently hold that the petitioner is not a director of the 3rd respondent company and further direct the deletion of the name of the

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petitioner from the list of directors of the 3rd respondent company .

PRAYER in W.P.4100 of 2009 :Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records relating to the notice issued by the 2nd respondent vide F.No.U65922 TN 1996 PLC034389/Default notice/gmn/2008 dated 13.01.2009 and quash the same

For Petitioner : Mr. R.G.Narendhiran
in both W.Ps.

For Respondents : Mr. A. Vijaikumar,
in both W.Ps CGSC for R1 & R2

O R D E R

Today when the matter is taken up for hearing, the learned counsel appearing for the respondents 1 and 2 filed a counter affidavit stating that now the company itself was struck off under Section 248 of the Companies Act 2013. The relevant portion of the affidavit reads as follows :

> " It is humbly stated that since the violations pointed out in the notice pertains to the new-repealed Companies Act 1956 and the Company itself was "Struck Off"under Section 248 of the Companies Act 2013 and no prosecution has been launched so far in the matter, the impugned notice lapses due to the repeal of the Companies Act 1956. "

2. In view of the fact that since the Company was struck off, new company came into force, nothing remains for adjudication in the writ petition.

3. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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mrp

To

1. The Registrar of Companies,
   Government of India,
   Shastri Bhavan,
   Block No.6, II Floor,
   26, Haddows Road,
   Chennai 600 006.

2. The Assistant Registrar of Companies,
   Tamil Nadu, Chennai,
   C/o. Registrar of Companies,
   Shastri Bhavan,
   Block No.6, II Floor,
   26, Haddows Road,
   Chennai 600 006.

3. M/s. Sai Home Finance Ltd.,
   8,Thirumalai Pillai Road,
   T. Nagar, Chennai 600 017

+1cc to Mr.R.G.Narendhiran , Advocate SR.No. 77002
+1cc to Mr.A.Vijayakumar , Advocate SR.No. 77666

W.P. 23342 of 2003

mr
A.SK(14/10/2019)

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