

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 29.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.13075 of 2019
and
WMP Nos.13202 & 13707 of 2019

New Tirupur Area Development Corporation Ltd.,
(NTADCL)

Rep. by its Company Secretary,
Mr.S.Ramasundaram

.. Petitioner

Vs.

1. Union of India,
Ministry of Corporate Affairs,
"A" Wing, Shastri Bhawan Garage,
No.14, Dr. Rajendra Prasad Rd.,
New Delhi, Delhi - 110 001.
Rep. by its Joint Secretary.

2. The Registrar of Companies, Coimbatore,
No.7, AGT Business Park, I Floor, Phase II,
Avinashi Road, Civil Aerodrome Post,
Coimbatore 641 014,
Tamil Nadu,
Rep. by its Registrar

3. The Government of Tamil Nadu,
Rep. by Secretary, Municipal Administration
and Water Supply Department,
Fort St. George,
Chennai - 600 003.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a writ of mandamus, forbearing the 1st and 2nd respondents from initiating any action or proceedings consequent to notification of 1st respondent introducing the Company (Incorporation) Amendment Rules, 2019 dated 21.02.2019, pending disposal of the Representation dated 02.04.2019 made by the Petitioner Company.

For Petitioner : Mr.P.H.Arvind Pandian, Sr. Counsel
for Mr.P.Giridharan

For Respondents : Ms.P.J.Anitha (for R1 & R2)
Central Govt. Standing Counsel
Mr.E.Manoharan, (for R3)
Government Advocate.

O R D E R

(Order of this Court was made by S.MANIKUMAR, J.)

Petitioner has sought for a writ of mandamus, forbearing the Registrar of Companies, Coimbatore and the Secretary to Government of Tamil Nadu, Municipal Administration and Water Supply Department, Chennai, the respondents 1 and 2, respectively from initiating any action or proceedings consequent to notification of the Joint Secretary, Ministry of Corporate Affairs, Union of India, New Delhi, 1st respondent herein, introducing the Company (Incorporation) Amendment Rules, 2019 dated 21.02.2019, pending disposal of his representation dated 02.04.2019.

2. Pending disposal of the writ petition, petitioner has filed the following Miscellaneous Petitions.

(i) WMP No.13202 of 2019, praying for an order of interim injunction restraining the 1st and 2nd respondents, their men, agents, servants or any one acting for them or on their behalf from blocking the Director Identification Numbers (DINs) of any of the Directors of the 1st respondent.

(ii) WMP No.13207 of 2019, praying for an order of interim injunction restraining the 1st and 2nd respondents, their men, agents, servants or any one acting for them or on their behalf from initiating action or proceedings against the petitioner company and its Directors, consequent to notification of 1st respondent dated 21.02.2019 for Non Filing of INC 22A - Active.

3. Though the petitioner has sought for a larger prayer, Mr.P.H.Arvind Pandian, learned senior counsel for the petitioner submitted that it is suffice to direct that his representation be considered before 01.06.2019. Submission is placed on record.

4. Ms.P.J.Anitha, learned Central Government Standing Counsel, takes notice on behalf of respondents 1 and 2.

5. Mr.E.Manoharan, learned Additional Government Pleader, takes notice on behalf of 3rd respondent.

6. Placing on record the submission of the learned senior counsel for the petitioner, the Joint Secretary, Ministry of Corporate Affairs, Union of India, New Delhi, 1st respondent herein, is directed to consider the petitioner's representation dated 02.04.2019, dispose of the same on merits and in

accordance with law, before 01.06.2019.

7. With the above direction, writ petition is disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Joint Secretary,
Union of India,
Ministry of Corporate Affairs,
"A" Wing, Shastri Bhawan Garage,
No.14, Dr. Rajendra Prasad Rd.,
New Delhi, Delhi - 110 001.

2. The Registrar of Companies, Coimbatore,
No.7, AGT Business Park, I Floor, Phase II,
Avinashi Road, Civil Aerodrome Post,
Coimbatore 641 014,
Tamil Nadu.

3. The Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St. George,
Chennai - 600 003.

+1cc to Mr.P.Giridharan, Advocate, S.R.No.41660

W.P.No.13075 of 2019 and
WMP Nos.13202 & 13707 of 2019

NM(CO)
KAK(30/04/2019)

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