

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Order: January 30, 2019

+ **CRL.M.C. 471/2019 & CRL.M.A. 2045-46/2019**

M/S CONTINENTAL CONSTRUCTION LTD & ORS

.....Petitioners

Through: Mr. Shahid Azad, Advocate

versus

REGISTRAR OF COMPANIES & ANR.

.....Respondents

Through: Mr. Brijesh Kumar, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL)

The concurrent findings of the Courts below is that the complaint in question is within period of limitation.

Learned counsel for petitioner submits that petitioner is being prosecuted for not filing the annual returns in time. Attention of this Court is drawn to Company Law Board's order of 30th April, 2009 to point out that the filing of annual returns was deferred upto 31st March, 2010 with the rider that statutory authorities, including Registrar of Companies, shall not initiate any prosecution or levy penal fee on account of delay in filing of statutory documents/returns. So, it is submitted that petitioner was justified in not filing the annual returns in time.

Upon hearing and on perusal of impugned orders, this Court finds that petitioner's application under Section 468 of Cr.P.C. seeking dismissal of the complaint on the ground that complaint is barred by

limitation, does not suffer from any illegality or infirmity. So far as, the plea of not filing the annual returns in time is concerned, the appropriate forum to raise this plea is the trial court, as the hearing on point of framing of notice is yet to take place.

In view of aforesaid, this petition and the application are disposed of while maintaining the impugned orders, with liberty to petitioner to raise the pleas based upon Company Law Board's order of 30th April, 2009 and other documents before the trial court at the stage of hearing on the point of framing of notice. Nothing said herein shall be taken to be an expression on merits before trial court.

With above directions, this petition and the applications are disposed of.

JANUARY 30, 2019

v

(SUNIL GAUR)
JUDGE

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