

18th December,
2020
(AK)
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W.P.A. 10367 of 2020

Color Printing and Hollow Wares Ltd.
Vs.
The Registrar of Companies & Ors.

Mr. Priyankar Saha
Mr. Debangshu Dinda

...For the Petitioner.

The writ petition has been filed with the grievance that the Registrar of Companies issued a notice, through the Deputy Registrar, to the petitioner-company seeking information regarding certain share certificates pertaining to the Company which are allegedly held by citizens of an enemy nation under the Enemy Property Act, 1968.

Learned counsel submits that none of the shareholders of the Company are citizens of any enemy country as such. Hence, learned counsel argues that the subsequent summons sent to the Directors of the petitioner Company on November 13, 2020 is bad in law.

However, even if the petitioner contends that none of the share-holders of the Company are citizens of any enemy country as per the 1968 Act, it would be premature to interdict the process of summons at this juncture, since no right, let alone fundamental right, of the Directors of the petitioner has been violated.

It is difficult to understand as to what might be the reason for the Directors of the petitioner Company not to appear in person or be represented before the Registrar/Deputy Registrar of Companies to explain their stand.

Although learned counsel submits that some of the petitioners are of advanced years and it may be difficult for them to appear personally, there cannot be any impediment for at least some of the Directors to respond to the summons and explain to the authorities as to why the other Directors could not be present, subject to the satisfaction of the respondent authorities.

Hence, this court finds no occasion to interfere with the summons, annexed at page-135 of the writ petition, at this premature juncture.

Accordingly, W.P.A 10367 of 2020 is dismissed on the above observations.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)