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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 80 of 2021
(Via Video Conference)

M/s. Radhashree Finance Limited
Vs.
Union of India & Ors.

Mr. S. Banerjee
... For the petitioner.

Mr. Siddhartha Lahiri
... For the Union of India.

The petitioner complains that the CG-I Form filed by the petitioner with the requisite fees and penalty for delayed filing has been rejected. The petitioner says that the Ministry of Corporate Affairs or the Registrar of Companies could not have rejected the filing of CG-I Form when the same is permissible in law to be filed at a belated stage by putting in fine and penalty.

On behalf the respondents, it is submitted that the petitioner, apart from having filed CG-I Form at a belated stage also did not file the balance sheet or the annual return for the financial years 2018-2019 and 2019-2020. Unless the petitioner files such balance sheet and annual return, the CG-I Form of the petitioner even if it is filed with fine and penalty cannot be accepted. The petitioner has to file the balance sheet and annual return for the two years i.e. 2019 and 2020 and then only can apply for accepting the

CG-I upon payment of fine and penalty as required. If such filing is done then the respondents will accept the CG-I Form.

The petitioner in reply agrees to file the annual return and balance sheet for the years 2019 and 2020 and shall file the CG-I Form either simultaneously or subsequent thereto.

The writ petition is disposed of by recording the assurance given by the petitioner through its advocate and the respondents through their advocates.

It is made clear that in the event the petitioner files its balance sheet and annual return for the year 2018-19 and 2019-20 within a period of two weeks from date and then file the CG-I form, the Registrar of Companies and Ministry of Company Affairs shall accept the same if all other formalities including the payment of fine and penalty as applicable are being complied with.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)