

ORDER SHEET
W.P.O. No. 431 of 2021
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

Avadh Mercantile Co. Ltd. & Anr.
Versus
Union Of India & Ors.

BEFORE:
The Hon'ble JUSTICE RAJASEKHAR MANTHA
Date : 24th August, 2021.

Mr. Ratnanko Banerjee, Sr. Adv. with Mr. Shaunak Mitra
& Mr. Sachin Shukla, Advs.
... for petitioners

Mr. Prasanta Dutt with Mr. Susanta Dutt
& Mr. Syamantak Banerjee, Advs.
... for SEBI

The writ petitioner is aggrieved that notwithstanding directions of the Security Exchange Board of India (SEBI) contained in the letter dated 18th November, 2019 and the report of the Calcutta Stock Exchange (CSE), the Ministry of Corporate Affairs (MCA) has not taken a decision on the status of the writ petitioner No.1.

The brief facts are that the writ petitioners along with a large number of other companies was notified to be the Shell companies and the MCA has directed striking out of the names of such companies from the records of the Registrar of Companies (RoC).

The CSE has communicated to the SEBI by letter dated 20th December, 2019 that the petitioners are not the Shell companies. Such communication was made after enquiry, directed by the SEBI.

The petitioners have written to the MCA for taking appropriate steps to remove their names from the list of shell companies. The MCA is yet to respond to the same.

In that view of the matter the respondent nos. 1 and 2 are, therefore, directed to take a suitable decision on the representations of the writ petitioners inter alia contained in the letters dated 9th January, 2020 and 18th November, 2020, within two months from the date of receipt of a copy of this order.

With the aforesaid decision, W.P.O. No. 431 of 2021 is disposed of.

(RAJASEKHAR MANTHA, J.)