

HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.183 OF 2021**

BOA CASA BUILDERS LLP THR. Petitioners
AUTHORIZED OFFICER OF THE
COMPANY REP., BY RUBEN JOSE
QUADROS AND 2 ORS

VS

MINISTRY OF CORPORATE Respondents
AFFAIRS, THR. REGISTRAR OF
COMPANIES

Mr. S. Fadte, Advocate for the petitioners.

Mr. M. Amonkar, Standing Counsel for the respondents.

**CORAM: M.S. SONAK &
SMT. M.S. JAWALKAR, JJ
DATE : 6TH APRIL, 2021.**

P.C.:

Heard Mr. S. Fadte, learned Advocate for the petitioners and Mr.
M. Amonkar, learned Standing Counsel for the respondents.

2. On 28/09/2020 we made the following order in this petition:

“Heard Mr. Nitin Sardesai, the learned Senior Advocate along with Mr. Shivam Fadte for the Petitioners. Mr. Mahesh Amonkar, the learned Central Government Standing Counsel appears for the Respondents.

2. Mr. Sardesai points out that the last date for availing the benefit of the LLP Settlement Scheme, 2020, is 30th September, 2020. He points out that in view of the provisions of Section 69 of the LLP Act, 2008, the returns are permitted to be filed beyond the prescribed period upon

payment of additional fee, as is prescribed. He submits that the interim relief seeking revival of the Director's Identification Number will be utilized only for the purpose of availing the benefits under the LLP Act and the Scheme formulated thereunder and for no other purpose.

3. Mr. Amonkar, the learned Central Government Standing Counsel opposes the grant of interim relief. He points out that since the Petitioners are defaulters, the Director's Identification Numbers have been correctly revoked. He points out that in similar matters under the Companies Act, interim reliefs were granted by several High Courts, but the same were ultimately stayed by the Hon'ble Apex Court. He also points out that in so far as the LLP Act is concerned, some High Courts have granted interim reliefs, but to the best of his knowledge, as yet there are no stay orders from the Hon'ble Supreme Court.

4. According to us, looking to the provisions of Section 69 of the LLP Act, where provision is made for late filing of returns by payment of additional fee, case is made out by the Petitioners for grant of interim relief. This is more so in view of the undertaking furnished by the Petitioners in paragraph 27 of this Petition.

5. Therefore, by accepting the undertaking in paragraph 27 of this Petition, we grant interim relief in terms of prayer clause (b) of this Petition. We, however, make it clear that such grant of interim relief is undoubtedly subject to the further orders that may be passed in this Petition and, therefore no equities can be claimed on the basis thereof by the Petitioners.

6. The Respondents are granted 4 weeks' time to file their response to the main petition. Copy of such response

to be furnished to the learned Counsel for the Petitioners, in advance by e-mail.

7. Place this matter for further consideration on 26/7 October, 2020. 8, All concerned to act on the basis of an authenticated copy of this order.

8. All concerned to act on the basis of an authenticated copy of this order.”

3. Today it pointed out by both the petitioner as well as learned Central Government Standing Counsel that in pursuance of the above order dated 28/09/2020 the DIN was acted for the limited purpose of availing benefits of LLP Act and Scheme formulated thereunder. Thereafter, the petitioner has made the necessary applications and even paid the prescribed amounts. The e-challans have also been issued to the petitioner.

4. The learned Counsel for the petitioner submits that the petition may now be disposed of. Accordingly, we dispose of this petition by clarifying that the concerned respondents may consider the application made by the petitioner for benefits under the LLP Act and Scheme formulated thereunder in accordance with law and on its own merits.

5. This petition is disposed of in the aforesaid terms. There shall be no order as to costs.

SMT. M.S. JAWALKAR,J.

mv

M.S. SONAK,J.