



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.10.2021

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. No. 274 of 2015

and

M.P. No. 1 of 2015

E.R.Jegatheesan

.. Petitioner

-Vs-

1. The Regional Director,
Ministry of Corporate Affairs,
5th Floor, Sasthri Bhavan,
No.26, Haddows Road,
Chennai - 600 034.

2. The Registrar of Companies,
Block No.6, B-Wing,
2nd Floor, Sastri Bhavan,
No.26, Haddows Road,
Chennai - 600 034.

...Respondents

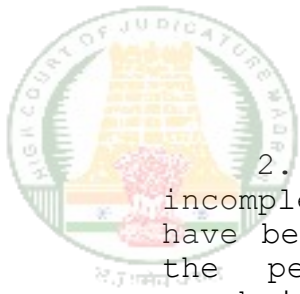
PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned communication of the second respondent dated 20.09.2013 relating to SRN.No.B24288524 in rejecting the incorporation of the petitioner's company under the name and style of "Portfolio Prism Services (India) Private Limited" is to quash the same and consequently direct the respondents to register the petitioner company by the second respondent.

For Petitioner : Mr.C.Prabakaran

For Respondents : Ms.G.Hema
Central Govt. Standing Counsel

O R D E R

The communication of the second respondent dated 20.09.2013 rejecting the incorporation of the petitioner's company under the name and style of "Portfolio Prism Services (India) Private Limited is sought to be quashed in the present Writ Petition.



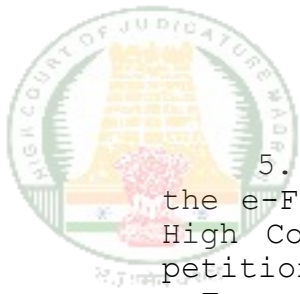
2. The impugned communication reveals that the defects or incompleteness in respect of e-Form as noticed by the Registrar have been placed on the Ministry website. In view of the above, the petitioner was directed that the e-Form should be resubmitted complete in all respects by 20.10.2013 failing which e-Form shall be treated as invalid and shall not be taken on record or transaction shall be canceled.

3. Instead of resubmitting the e-Form with complete details, the petitioner has chosen to file the present Writ Petition.

4. The counter filed by the respondents states the following details at Para Nos. 9 & 10, which reads as under:

"9. The averments of the petitioner at Para Nos. 10 and 11 of the affidavit are denied. It is respectfully submitted that the petitioner was given several opportunities to rectify the defects, but the petitioner has not cared to rectify the defects pointed by the respondent 2. The petitioner's allegation is not acceptable. The Government of India as per the Coinage Act, 2011 has withdrawn the coins of denomination of 25 paise and below from circulation with effect from June 30, 2011 and these coins cease to be a legal tender for payment as well as on account. The copy of Government of India Gazette Notification S.O.2978(E) dated 1st February, 2011 is enclosed for kind perusal of this Hon'ble Court as 0.01 paise is not a legal tender as per the notification issued by RBI, the petitioner was called upon and was advised to increase the face value of share from 0.01 paise to Rs.1 (one rupee) the petitioner has not compiled or rectified the defects raised by the second respondent and an e-mail was sent to the petitioner on 20.09.2013. A copy of the e-mail is enclosed for perusal of this Hon'ble Court and marked as Annexure 'C'. In the view of non-compliance by the petitioner, the respondent could not approve the e-Forms and the same were made in varied on 27.03.2014. A copy of the corresponding noting is enclosed.

10. In the view of the above, it is humbly submitted that the petitioner has suppressed all the above mentioned facts and has not complied with the requirements. Hence, the e-Forms filed by the petitioner could not be taken on record."



5. In view of the fact that the petitioner has to resubmit the e-Form by complying with the procedures as contemplated, the High Court cannot redress the grievance in this regard as the petitioner has not stated the complete facts and not filed the e-Form as required. Thus, the petitioner is at liberty to comply with the defects and resubmit with the required details.

6. Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

/True Copy//

Sub Assistant Registrar

vji

To

1. The Regional Director,
Ministry of Corporate Affairs,
5th Floor, Sasthri Bhavan,
No.26, Haddows Road,
Chennai - 600 034.
2. The Registrar of Companies,
Block No.6, B-Wing,
2nd Floor, Sastri Bhavan,
No.26, Haddows Road,
Chennai - 600 034.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.51931

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NSK 28/10/2021