



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2021

C O R A M

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.NO.23779 OF 2018

AND

W.M.P.NO.27731 OF 2018

M/s.Gautham Hire Purchase Limited

Having its registered office at

"Lalwani Mansion"

2/28, Vinayagar Maistry Street,

Sowcarpet, Chennai - 600 009.

represented by its Authorised Signatory

Mr.Gautham Chand Jain

...Petitioner

Vs

1.Union of India

Represented by its Secretary to the Government

The Ministry of Finance,

North Block, Cabinet Secretariat, Raisina Hill,

New Delhi -110 001, India.

2.Reserve Bank of India,

Regional Directory,

Department of Non-Banking supervision,

16, Rajaji Salai, Fort Glacis,

Chennai,

Tamil Nadu 600 001.

...Respondents

Prayer : Writ Petition filed under Section 226 of the Constitution of India, prayed for the issuance of Writ of Certiorarified Mandamus, calling for the records of the second respondent relating to the impugned order dated 26.07.2018 cancelling the Certificate of Registration No.B.07.00447 dated 23.12.1999 issued to the petitioner, quash the same as illegal, arbitrary and devoid of merit and consequently direct the respondents herein to permit petitioner to get reappointed as Director of any company or appointed as Director in any company without ant hindrance.

For Petitioner	:	Mr. C.V.Shailandhran
For R1	:	Mr.A.Murugan
For R2	:	Mr.Chevaran Mohan
		for M/s.King and Partridge



ORDER

This Writ Petition has been filed, for the issuance of Writ of Certiorarified Mandamus, calling for the records of the second respondent relating to the impugned order dated 26.07.2018 cancelling the Certificate of Registration No.B.07.00447 dated 23.12.1999 issued to the petitioner, quash the same as illegal, arbitrary and devoid of merit and consequently direct the respondents herein to permit petitioner to get reappointed as Director of any company or appointed as Director in any company without ant hindrance.

2.When the matter is taken up for hearing, the learned counsel for the petitioner and the learned counsel appearing for the respondents submitted that, in a similar issue, this Court passed an order, whereby dismissed the Writ Petition granting liberty to the petitioner to approach the Appellate Authority under Section 45-IA(7) of the RBI Act.

3.The relevant portion of the order passed by the Hon'ble Division Bench of this Court in W.A.No.940 of 2019 etc., batch dated 22.04.2019, is extracted hereunder:

"46.In the result, the appeals are allowed, the impugned common order passed in the writ petitions is set aside and the writ petitions stand disposed of by directing the respondents/writ petitioners to file appeal under Section 45-IA(7) of the RBI Act, 1934 as amended within a period of 30 days from the date of receipt of a copy of this judgment and raise all contentions before the appellate authority including the contention that as of now, all the respondents have complied with the requirement of 200 lakhs of rupees of NOF and request the appellate authority to accept the compliance as due compliance of the requirement under the relevant notification to enable the respondents/writ petitioners to carry on their business. Such prayer be considered by the appellate authority on merits and in accordance with law. o costs. Consequently, connected miscellaneous petitions are closed."

4.In view of the above, this Court is inclined to dismiss the Writ Petition on the same line as the order passed by the Hon'ble Division Bench of this Court as referred above.



5. Accordingly, this Writ Petition is dismissed with liberty to the petitioner to approach the Appellate Authority under Section 45-IA(7) of the RBI Act, within a period of 30 days from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub-Assistant Registrar

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To

1. Secretary to the Government
Union of India
The Ministry of Finance,
North Block, Cabinet Secretariat, Raisina Hill,
New Delhi -110 001, India.

2. Reserve Bank of India,
Regional Directory,
Department of Non-Banking supervision,
16, Rajaji Salai, Fort Glacis,
Chennai,
Tamil Nadu 600 001.

+1cc to Mr.A.Murugan, Advocate SR.No.66672

+1cc to King & Partridge, Advocate SR.No.66550

W.P.No.23779 of 2018
and W.M.P.No.27731 of 2018

AD(CO)
RVM(29/12/2021)