

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17476 of 2021

Vikash Chandra Roy, (Male) aged about 39 years, S/o Sukhdeo Prasad Yadav,
R/o Haveli Kharagpur Nagar Panchayat, PO - Kharagpur, District - Munger,
Bihar.

... .. Petitioner/s

Versus

1. The Union of India through, the Secretary, Ministry of Corporate Affairs,
Shashtri Bhavan, New Delhi - 110001.
2. The Regional Director (Eastern Region), Ministry of Corporate Affairs. At
Nizam Palace II MSO Building 3rd Floor, 234/4 A.J.C. Bose Road Kolkata -
700020.
3. The Registrar of Companies, Bihar, At Maurya Lok Complex Block - A 4th
Floor, Dak Banglow Road Patna - 800001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dinkar Kumar, Advocate
For the Respondent/s	:	Dr. K N Singh, ASG
		Mr. Manoj Kumar Singh, CGC
		Mr. Amarjeet, AC to ASG

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

Date : 30-11-2022

Heard Mr. Dinkar Kumar, learned counsel for the
petitioner and Mr. Amarjeet, learned counsel representing the
learned Additional Solicitor General.



2. The matter has been listed today in view of office note dated 29.11.2022 raising objection with regard to maintainability of the present petition as to whether the matter has to go before the appropriate forum under the Companies Act.

3. Upon hearing learned counsel for the parties, it is not in dispute that the issue in the writ petition is covered under the Companies Act and at the first instance is required to be agitated before the National Company Law Tribunal (NCLT).

4. Thus, in that view of the matter, the present writ petition stands disposed of with liberty to the petitioner to approach the appropriate forum under the Companies Act for the reliefs claimed for in the present writ application. It goes without saying that it shall be open for the petitioner to raise all points available to him, both in law as well as on facts before the said forum.

5. At this juncture, learned counsel for the petitioner submitted that because he has moved this Court in the present writ petition, any limitation for approaching the said forum may be relaxed so that the petitioner who had moved this Court *bona fide* may not be prejudiced.

6. Having regard to the aforesaid, the Court would observe that if the petitioner moves before the appropriate forum



under the Companies Act in the present matter, within the statutory period fixed for approaching the said forum, the counting of that period would start from today.

(Ahsanuddin Amanullah, J)

(Sunil Dutta Mishra, J)

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