

01.09.2022
sayandeep
Sl. No. 23
Ct. No. 05

WPA 18554 of 2022

Saikat Kumar Mitra
-Versus-
Union Bank of India & Anr.

Ms. Manju Bhueria
Ms. Meenakshi Manot
Mr. Binoy Kumar Jain
Mr. Abhishek Jain
Mr. Piyush Jain

..... for the petitioner

Mr. Shiv chandra Prasad
....for the respondent Nos. 1, 2 & 3

Mr. Debashis Ghosh
Mr. Debraj Sahy

.....for the State

The grievance of the petitioner is directed against an order dated 25th January, 2022 and complaint dated 15th February, 2022 made under Section 206(4) of the Companies Act, 2013. The petitioner is a partner of the firm which acted as the auditor of the Company in question from 2009-2018. The allegations made in the impugned order relate to certain financial irregularities for the period of 2017-2021. The order appears to have been passed pursuant to a complaint made by the Ministry of Corporate Affairs to the concerned police station on 15th February, 2022 against the Company and its Directors and Auditors. The complaint talks about discrepancies being observed on a random examination of the relevant documents.

The petitioners made a representation to the Deputy Registrar of companies on 26th May, 2022 which was received by the concerned respondents on 30th May, 2022. The petitioner stated all the material facts but complains now that the ROC has not responded to the said representation. The petitioner, in the meantime, has received notice under the provisions of The Code of Criminal Procedure, 1973 from the concerned police station.

Learned counsel appearing for the respondent submits that the representation of the petitioner is under process. Counsel also submits that the concerned Company is a Chinese company with questionable activities.

Upon hearing learned counsel, it appears that the respondents do not have an answer for sitting over the representation for more than three months and allowing the complaint against the petitioner to linger and proceed. The petitioner should at least have a response from the respondents as to the particular allegations against the petitioner in the financial irregularities of the company in question.

WPA 18554 of 2022 is disposed of with a direction on the respondent to consider and dispose of the representation made by the petitioner within a period of seven days from the date of communication of this order. The concerned respondent shall hear the

petitioner and pass a reasoned order within a period of two weeks from today.

A copy of the reasoned order shall be made available to the petitioner within a week from the date of such reasoned order.

(Moushumi Bhattacharya, J.)