

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.32854 OF 2022

Prabhudayal Agrawal

....

Petitioner

Mr.D.Mohapatra, Adv.

-versus-

State of Odisha & ors.

....

Opposite Party(s)

Mr.S.Mishra, ASC

CORAM:

JUSTICE BISWANATH RATH

Order
No.

ORDER
5.12.2022

1. Heard learned senior counsel for the Parties.
2. The Writ Petition involves the following prayer :-

“It is, therefore, humbly prayed that your Lordships be graciously be pleased to admit the writ application, call for the records as deemed fit and expedient, issue Rule-Nisi in the nature of a Writ of Certiorari or any other Writ(s), failing upon the Opposite Parties to show cause and to quash the incorporation certificate vide Annexure-5 of the Opposite Party No.3.

And may further be pleased to pass any other order(s) or direction(s) as deem fit and proper in the facts and circumstances of the case.”

2. From the submissions made, this Court gathers, the allegation appears to be when the Petitioner continuing to be the owner of the mines concerned, there is clandestine attempt by a group of persons to create another Company and in the process, such Parties have already also obtained a certificate of incorporation, vide Annexure-5. It is after coming to know that there is an attempt to

disturb the activities of the Company of the Petitioner, who appears to have raised an objection before the Registrar of Companies, Cuttack, vide Annexure-6 claiming to be pending till now.

3. This Court in disposal of the Writ Petition observes, in the event the representation of the Petitioner, vide Annexure-6 is still pending consideration of the Registrar of Companies, the Registrar may involve the Petitioner and the Parties likely to be affected and take a lawful decision on the same by completing the entire exercise within a period of six weeks from the date of communication of this order.

4. The Writ Petition stands disposed of accordingly.

(Biswanath Rath)
Judge

M.K.Rout