



WEB COPY



W.P. No.11213 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2022

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No.11213 of 2018

Mr. Vummidi Udayakumar,
Founder & Past-Chairman,
GJIIE & Past VP, MJDMA,
86, Devaraj Mudali Street,
Chennai 600 003

... Petitioner

Vs

1. The Joint Secretary,
The Ministry of Corporate Affairs,
5h floor, A Wing, Shastri Bhavan,
New Delhi - 110 001.

2. The Registrar of Companies,
Ministry of Corporate Affairs,
"Shastri Bhavan", II Floor,
26, Haddows Road,
Chennai 600 006.

3. The Madras Jewellers & Diamond
Merchants Association,
Registered office at No.10,
Car Street, NSC Bose Road,
Chennai 600 079

... Respondents



W.P. No.11213 of 2018

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to act on the letter of the first respondent dated 20.07.2017, bearing reference number F.No.07/06/2015/CL-II and to conduct a thorough investigation into the affairs of the 3rd respondent herein and prepare a comprehensive report.

For petitioner	...	Mr. R. Sankar for Mr. Sankara Narayanan
For respondents	...	Dr. Simon, for R1 & R2

ORDER

This writ petition has been filed seeking a direction to the 2nd respondent to act on the letter sent by the first respondent, dated 20.07.2017.

2. According to the petitioner, the petitioner is one of the members of the 3rd respondent. Alleging that the 3rd respondent committed some irregularities in violation of the Companies Act, the petitioner said to have filed a complaint before the respondents 1 and 2. Based on the complaint, the first respondent seek some details from the 2nd respondent regarding the



W.P. No.11213 of 2018

irregularities said to have committed by the 3rd respondent for the purpose of granting sanction for prosecution. That apart, the first respondent also requested the 2nd respondent to suitably advise the petitioner to approach the concerned forum to work out the remedy against the 3rd respondent. The petitioner also filed C.P.156 of 2015 before this Court and the same was transferred to the National Company Law Tribunal. Since the particulars required by the first respondent was not furnished by the 2nd respondent, the present writ petition has been filed with the above said prayer.

3. Today , when the matter is taken up for hearing, Dr.Simon, learned counsel appearing for the respondents 1 and 2, on instructions, submitted that subsequent to the letter sent by the first respondent, four show cause notices were issued by the 2nd respondent to the 3rd respondent. Thereafter, by an order passed by the Regional Director of the Companies under Section 441 of the Companies Act, 2013, the offence has been compounded. That apart, it is also stated that now, before the National Company Law Tribunal, the petition filed by petitioner for taking action against the 3rd respondent is pending.



W.P. No.11213 of 2018

WEB COPY

4. Considering the above circumstances, and also taking note of the fact that already action has been taken by the 2nd respondent and the petition filed by the petitioner is also pending before the National Company Law Tribunal, no further action is required on the letter sent by the first respondent and hence, this Writ Petition is closed as no further adjudication is required in this petition. No costs. The 2nd respondent is directed to furnish the copy of the order compounding the offence under Section 441 of the Act to the petitioner.

08.03.2022

Index: Yes/ No
Speaking Order/Non-speaking Order

mrp

To

1. The Joint Secretary,
The Ministry of Corporate Affairs,
5h floor, A Wing, Shastri Bhavan,
New Delhi - 110 001.

2. The Registrar of Companies,
Ministry of Corporate Affairs,
"Shastri Bhavan", II Floor,
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4/6



W.P. No.11213 of 2018

Chennai 600 006.

WEB COPY

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WEB COPY



W.P. No.11213 of 2018

V. BHARATHIDASAN, J.

mrp

W.P. No.11213 of 2018

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