



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.NOS.18309, 18310 & 19454 OF 2020

AND W.P.NO.13907 OF 2021

AND

W.M.P.NOS.24040, 24038, 22686 & 22687 OF 2020

AND W.M.P.NO.14801 OF 2021

M/s.Shapoorji Pallonji and
Company Private Limited
Rep.by its Authorised Signatory
Mr.H.Ravikumar, KG 360 Degrees
IT Business Park, 7A-1, 7th Floor
Dr.MGR Salai, Kandanchavadi
Perungudi, Chennai 600 096
Having registered office at
No.70, Nagindas Master Road
Fort, Mumbai 400 023.

.. Petitioner in all W.Ps.

vs

1. Union of India
Represented by Secretary
Ministry of Corporate Affairs
'A' Wing, Shastri Bhavan
Rajendra Prasad Road
New Delhi - 110 001.
2. Registrar of Companies (Ernakulam)
Represented by Registrar of Companies
Company Law Bhawan, BMC Road
Thrikkakara, Kochi-682 001.
3. Registrar of Companies (Chennai)
Represented by Registrar of Companies
Block No.6, B Wing, 2nd Floor
Shastri Bhavan, 26, Haddows Road
Chennai 600 034.



4. HLL Life Care Limited
Represented by its authorised Signatory
HLL Bhavan, Mahilamandiram Road
Poojappura, Thiruvananthapuram
Kerala-695 012.

5. HLL Biotech Limited
Represented by its authorised Signatory
HLL Bhavan, Mahilamandiram Road
Poojappura, Thiruvananthapuram
Kerala-695 012.

.. Respondents in all W.Ps.

Prayer in W.P.No.18309 of 2020 : Petition filed under Article 226 of The Constitution of India praying for Writ of Declaration declaring that section 462 of companies Act as null void ultravires manifestly arbitrary and violative of the basic structure of constitution and strike down the same.

Prayer in W.P.No.18310 of 2020 : Petition filed under Article 226 of The Constitution of India praying for Writ of Certiorarified Mandamus to call for the records of the notification passed by the 1st Respondent bearing G.S.R.No.582 (E) Dated 13.06.2017 and quash the same as ultravires arbitrary and violative of the Constitution of India.

Prayer in W.P.No.19454 of 2020 : Petition filed under Article 226 of The Constitution of India praying for Writ of Certiorari to call for the records of 4th and 5th Respondents in relation to the scheme of arrangement between the 4th and 5th Respondents herein under section 230 to 232 read with section 66 of the companies Act dated 25.07.2020 and quash the same.

Prayer in W.P.No.13907 of 2021 : Petition filed under Article 226 of The Constitution of India praying for Writ of Certiorari call for the records of the Final Order /24/ 03/ 2019- CL- III dated 22.03.2021 passed by the Government of India Ministry of corporate Affairs 1st Respondent herein which accords sanction with effect from 1.04.2019 for the Scheme of Arrangement between the 4th and 5th Respondents herein and quash the same.



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For Petitioner in all : Mr.Anirudh Krishnan
W.Ps.

For Respondent No.1 in : Mr.Sankaranarayanan
all W.Ps Additional Solicitor General
of India Assisted by
Mr.S.N.Parthasarathi

For Respondent Nos.4 & : Mr.Sathish Parasaran
5 in all W.Ps. Senior Counsel, Assisted by
Mr.Prashanth Rajagopal

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

Learned counsel for the petitioner prays for withdrawal of the writ petitions with a liberty to take remedy against the order of amalgamation of companies.

2. As prayed, the writ petitions are dismissed as withdrawn with a liberty to pursue the remedy available to them and the dismissal of these writ petitions would not come in the way of the petitioner seeking any other remedy.

There will be no order as to costs. Consequently, connected W.M.P.Nos.24040, 24038, 22686 and 22687 of 2020 and W.M.P.No.14801 of 2021 are also dismissed.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

KST

To:

1. The Secretary to Government
Ministry of Corporate Affairs
'A' Wing, Shastri Bhavan
Rajendra Prasad Road
New Delhi - 110 001.



2. The Registrar of Companies (Ernakulam)
Represented by Registrar of Companies
Company Law Bhawan, BMC Road
Thrikkakara, Kochi-682 001.

WEB COPY

3. The Registrar of Companies (Chennai)
Represented by Registrar of Companies
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4. The Authorised Signatory
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5. The Authorised Signatory
HLL Biotech Limited
HLL Bhavan, Mahilamandiram Road
Poojappura, Thiruvananthapuram
Kerala-695 012.

+1cc to Mr.Prashanth Rajagopal, Advocate, S.R.No.24080

+1cc to Mr.K.A.Ravindran, Advocate, S.R.No.24432

+2ccs to Mr.Anirudh Krishnan, Advocate, S.R.No.24336

W.P.Nos.18309,18310 & 19454/2020
and W.P.No.13907 of 2021

PPA (CO)
RLP (19/04/2022)