

Ct. 05
Item No.12
03.04.2023
(Suvendu)

WPA 306 of 2023

**Adventz Finance Private Limited & Anr.
Vs.
Union of India & Ors.**

Mr. Shounak Mukhopadhyay
Ms. Akshita Bohra
.....for the petitioners
Mr. Avinash Kankani
.....for the respondent nos.1-3

The Report filed on behalf of the Registrar of Companies being the respondent no. 2 indicates that the subject matter of the writ petition involves two charges which the respondent no. 2 was to register under The Companies (Registration Offices and Fees) Rules, 2014. Tabulated statements have been given for both the charges to show the sequence of events.

With regard to the first submitted charge, it appears that the petitioners resubmitted the e-form after first e-form was returned to the petitioners for resubmitting with certain particulars. The petitioners complain that the ROC did not take any steps after 5th August, 2021 and that the impugned communication of 29th July, 2022 from the ROC does not indicate the particulars which the petitioners were to resubmit.

With regard to the second submitted charge, it is apparent that the ROC has been sitting on the same since 2021 without taking any steps thereto.

After hearing learned counsel and considering the provisions of the 2014 Rules under which the Registrar is under obligation to take a decision on the e-form or documents within thirty days from the date of its filing (Rule 10(1) proviso), WPA 306 of 2023 is disposed of with liberty to the petitioners to resubmit the e-form with the particulars as indicated in paragraph 3 of the Report within a week from date. With regard to the second submitted charge, the ROC shall register the same within a period of four weeks from today.

Since there is palpable and unexplained delay on the part of the ROC which is also contrary to the proviso under Rule 10(1) of the 2014 Rules, the ROC shall pay costs of Rs. 25,000/- to the petitioner within a fortnight from date.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)

