

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No. 23255 of 2019 (O&M)
Date of Decision: 16.05.2023

Ajay Pal SharmaPetitioner

versus

Union of India and anotherRespondents

CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGEPresent : Mr. Sankalp Gehlawat, Advocate for
Mr. Saurabh Dalal, Advocate for the petitioner.

Mr. Arun Gosain, Senior Govt. Counsel for respondent-UOI.

RAVI SHANKER JHA, CHIEF JUSTICE (oral)

This petition has been filed by the petitioner for issuance of a writ in the nature of certiorari to quash proviso to Section 164(2)(a) of the Companies Act, 2013 being unconstitutional.

Learned counsel appearing for the respondent-Union of India, at the outset, points out that the question regarding validity of proviso to Section 167(1)(a) of the Companies Act, inserted by the Companies (Amendment) Act, 2017, has already been considered and decided by several High Courts. He has placed before this Court the decisions rendered by the Madras High Court in **WP-3276 of 2019** and **WMP 33118 of 2019, (G.Vasudeavan vs. Union of India and others)**, while relying upon the decisions rendered by the High Courts of Bombay, Karnataka and Gujarat. He has also placed before this Court an order dated 20.11.2020, passed by the Supreme Court in Special Leave to Appeal (C) No. 11072 of 2020, whereby, it has affirmed the order passed by the Madras High Court in G.Vasudevan (*ibid*).

In view of the aforesaid, as the validity of proviso to Section 167(1)(a) of the Companies Act, 2013, introduced by way of Companies (Amendment) Act, 2017, has already been upheld by the Madras, Bombay, Karnataka and Gujarat High Courts, and even the order passed by the Madras High Court (*ibid*), has been upheld by the Supreme Court, the present petition is also dismissed, in terms of G.Vasudevan (*ibid*).

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

16.05.2023
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√