

## IN THE HIGH COURT OF PUNJAB &amp; HARYANA AT CHANDIGARH

Civil Writ Petition No. 33045 of 2019 (O&amp;M)

Date of Decision: 16.05.2023

Col. (Retd.) V.K.Saraf and another

.....Petitioners

versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE  
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present : None for the petitioners.

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

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**RAVI SHANKER JHA, CHIEF JUSTICE (oral)**

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 **WP 33118 of 2019, (G.Vasudeavan vs. Union of India and others)**, while relying upon the decisions rendered by the High Courts of Bombay, Gujarat and Karnataka. 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*). He further submits that 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 be also dismissed, in terms of G.Vasudevan (*ibid*).

Be that as it may, since none is present on behalf of the petitioners to pursue the matter, the petition is dismissed for non-prosecution.

(RAVI SHANKER JHA)  
CHIEF JUSTICE

(ARUN PALLI)  
JUDGE

16.05.2023  
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|---------------------------|---------|
| Whether speaking/reasoned | √Yes/No |
| Whether reportable        | Yes/No√ |