

WPO No.139 of 2021
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SUMIT BHANSALI
VS
REGISTRAR OF COMPANIES, WEST BENGAL & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 31st July, 2024.

Appearance:
Mr. Jatinder Singh Dhatt, Adv.
...for Petitioner.

Mr. Avinash Kankani, Adv.
...for Respondent Nos.1 & 2.

The Court:-The writ petition, filed in the year 2021, is for seeking extension of time for filing the annual return. The petitioner claims to be a company secretary. It has been submitted that certain benefits were extended to the Companies but were not extended to the LLPs.

Reference has been made to a request for extension of timelines due to Covid-19 by the Institute of Company Secretaries of India on 24th December, 2020. It has been submitted that despite request being made by the said Institute, the Ministry of Corporate Affairs failed to take a decision on the same.

Learned advocate representing the Union of India submits that the writ petition is absolutely a speculative one. The request for extension was made by the Institute but the Institute did not file any writ petition. The petitioner has taken up the cause of the Institute.

It has been submitted that acceding to the request, time to file the annual return was extended till 31st December, 2020. The cause of action for filing the instant writ petition does not subsist at present.

I have heard the submissions made on behalf of the parties.

The petitioner in the entire writ petition has not mentioned the name of any LLP which failed to submit the return within the extended period and the reason for not submitting the return within such period has also not been specified. A timeline was fixed by the Ministry of Corporate Affairs; the same was extended because of Covid reasons. As on date, the reason for extension of timeline is not there.

The Court is of the opinion that the relief as sought for by the petitioner relying upon the request made by the Institute in the year 2020 cannot be directed to be considered at such a belated stage.

In view of the above, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)