

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5201 OF 2024

NV Autospares Pvt. Ltd., Satpur, Nashik .. Petitioner
Vs.
The Regional Director, Western Region,
Ministry of Corporate Affairs, Mumbai & Ors. .. Respondents

Mr. Sandesh Shukla a/w. Mr. Vivek Patil and Mr. A. Ansari, Mr. Devesh
Sawant i/by Vivek Patil & Associates for the Petitioner.
Ms Kavita N. Solunke, AGP for the Respondent No. 1
Mr. Rohan Sawant for the Respondent Nos. 2 to 9

CORAM : M. M. SATHAYE, J.

**DATED : 29 MAY 2024
(Vacation Court)**

P.C.:

1. Heard learned Counsel for the parties.
2. By this Petition, the order dated 04.01.2024 passed by the Regional Director, Western Region, Ministry of Corporate Affairs, Mumbai under section 454(5) and section 42 of the Companies Act, 2013, is challenged. By the said impugned order, the Petitioner is directed to pay the Adjudication Fees as modified in the impugned order and also to refund the share application money to the private Respondents/Complainants.
3. Learned Counsel for the Petitioner asserts that he has no other alternate statutory remedy under the Companies Act except by filing this

Petition.

4. Learned Counsel for the private Respondent Nos. 2 to 9 appears and seeks time to file Vakalatnama and reply to the Petition. He undertakes to file the same before the next date.

5. Learned Counsel for the Petitioner, on instructions states that without prejudice to the rights and contentions in the Petition, the Petitioner-Company is ready to deposit in this Court, the amount of Adjudication Fees as directed under clause 15(a) of the impugned order within a period of four weeks from today.

6. Considering the aforesaid submissions, the following order is passed.

(a) Issue notice to the Respondents, returnable on 26.06.2024.

(b) Learned AGP waives notice for the Respondent No. 1 and learned Counsel for the Respondent Nos. 2 to 9 also waives notice.

(c) Subject to the Petitioner depositing in this Court, the amount payable under clause 15(a), which according to the Petitioner is quantified at Rs.4,00,000/-, within a period of four weeks from today, there shall be ad-interim stay to Clause 15(a) of the impugned order dated 04.01.2024. It is clarified that in case the amount is not deposited as stipulated, the ad-interim

stay shall stand vacated.

(d) Liberty to move, in case Clause 15(b) of the impugned order (about recovery of the share application money) is pressed.

(M. M. SATHAYE, J.)