

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10782 of 2024**

N. S. J. L. Nidhi Ltd. Through its Rohit K ... Petitioners
Bhamburdekar and ors.

versus

The Regional Director (WR) Ministry of Corporate Respondents
Affair and anr.

Mr. Ankit Rathod with Ms. Anshu Agrawal i/b. Mr. Chaitanya Purankar,
Advocate for the Petitioners.

Mr. Ajay Pawar, Assistant Registrar of Companies, Pune – Respondent
No.2 present.

CORAM : R. M. JOSHI, J.

DATE : 7th AUGUST, 2024.

P.C. :

1. Heard learned counsel for the petitioners.
2. Learned counsel for the petitioners submits that the order dated 11th October 2023 passed by the adjudicating authority under Section 39(4) read with Section 454 (3) of the Companies Act 2013 has been passed without issuing show cause notice to the individual directors. It is his submission that though the said order is passed on 11th October 2023, the same was challenged before the Regional Director in an appeal under Section 454 (5) of the Act. He further submits that by the said order, liberty is granted to the Registrar of Companies to file prosecution against the petitioners under Section 454 of the Act.

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3. Mr. Ajay Pawar, claiming to be the Assistant Registrar of Companies, appears on behalf of respondent No.2. He seeks time to engage counsel for representing them in this petition.

4. The statement made by the learned counsel for the petitioners is accepted that without issuing any show cause notice to the petitioner Nos.2 to 4, the order dated 11th October 2023 came to be passed. Consequently arguable case is made out by him to prevent the Registrar of Companies from initiating any prosecution against them as per the order dated 8th May 2024 passed in appeal. Hence, issue notice to the respondents returnable on **5th September 2024.**

5. Mr. Pawar, waives service on behalf of respondent No.2.

6. Till next date of hearing, no coercive action shall be taken against petitioner Nos.2 to 4 pursuant to the order dated 8th May 2024.

(R. M. JOSHI, J.)