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W.P.No.6547 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.6547 of 2021 and
WMP.No.7131 of 2021

Kandampalayam Palaniappan Murugan
Vs.

...Petitioner

1.The Registrar of Companies,
AGT Business Park, Avinashi Road,
Civil Aerodrome Post, Coimbatore,
Tamilnadu

2.Union of India,
Through its Secretary,
Ministry of Corporate affairs,
5th floor, A wing,
“SHASTRI BHAVAN”,
New Delhi 110 001

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the first respondent to include the petitioner company, in the circular issued by the second respondent in circular No.3/2021 with Ref.No.F.No.02/01/2021-CL-V dated 15.01.2021 by considering the representation dated 23.02.2021 which was submitted before the respondents.

For Petitioner : No appearance

For Respondents : M/s.P.J.Anitha,
Central Government Standing Counsel



W.P.No.6547 of 2021

WEB COPY

ORDER

This writ petition has been filed for direction to the first respondent to include the petitioner's company in the circular issued by the second respondent dated 15.01.2021.

2. The petitioner's company was strike off for non-filing of periodical annual returns (E-filing) and the same was approached before National Company Law Tribunal, Chennai for restoration purpose under Section 252 of the Companies Act, 2013. It came up before the Tribunal on 24.12.2020 and the order was reserved. Thereafter, the Tribunal passed orders on 11.01.2021. On 15.01.2021, the second respondent issued circular relating to scheme for condonation of delay for companies restored on the Registrar of Companies between 01.12.2020 and 31.12.2020 under Section 252 of the Companies Act, 2013. Therefore, the petitioner submitted representation seeking to include the petitioner's company also in the circular issued by the second respondent dated 15.01.2021.



W.P.No.6547 of 2021

WEB COPY

3. Heard, the learned counsel appearing on either side.

4. On perusal of the counter filed by the respondents revealed that the Tribunal reserved order on the petition filed by the petitioner on 24.12.2020 and pronounced order on 11.01.2021. Whereas the scheme was introduced by the second respondent only for the cases where orders have been pronounced for restoration by Tribunal between 01.12.2020 to 31.12.2020 and not to those cases where orders have been reserved. Further, only upon pronouncement of the orders by the Tribunal, it came to light as to whether a company's name has been ordered to be restored in the Register of companies or not. Further, it is a policy decision and as such, the first respondent is not authorised to make any change that relates to the policy decision of the second respondent. Therefore, the prayer sought for in this writ petition cannot be considered. As such, this writ petition is devoid of merits and liable to be dismissed.



W.P.No.6547 of 2021

WEB COPY

5. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

12.06.2024

Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order
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WEB COPY



W.P.No.6547 of 2021

To

- 1.The Registrar of Companies,
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Union of India,
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