



WEB COPY



W.P.No.21094 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.07.2024

CORAM

THE HON'BLE MR.JUSTICE G.K. ILANTHIRAIYAN.

W.P.No.21094 of 2024

1. Kamalesh Kothari
2. Madanlal Chowatia .. Petitioners

Vs.

1. Registrar of Companies
Block No.6, B Wing, 2nd Floor
No.26, Haddows Road
Shastri Bhawan, Nungambakkam
Chennai – 600034.

2. Regional Director, South
Ministry of Corporate Affairs
No.26, Haddows Road
Shastri Bhawan, Nungambakkam
Chennai – 600 034. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents to consider the representation letter dated 22.05.2024 of the petitioner seeking to conduct investigation into the affairs of the Board of Directors and Promoters of M/s. Binny Limited and marking the company as “disputed management”.

For Petitioners : Mr.M.S.Krishnan
Senior Counsel
for Mr.G.Chandrasekhar

For Respondents : Mr.A.Kumaraguru
Senior Panel Counsel



W.P.No.21094 of 2024

ORDER

WEB COPY

The writ petition has been filed seeking directions against the respondents to consider the representation submitted by the petitioners dated 22.05.2024 to conduct an enquiry into the affairs of the Board of Directors and Promoters of M/s.Binny Company Limited.

2. The petitioners are holding shares in M/s.Binny Company Limited. The Promoters and Directors of the company are alleged to have misappropriated several hundreds of crores of money and a complaint was lodged by two hundred minority shareholders, including the petitioners, to the second respondent.

3. In fact, on receipt of the said complaint, the second respondent, by communication dated 05.01.2024, directed the first respondent to examine the complaint and submit its report within a period of thirty days. Even on receipt of the said communication, the first respondent kept quite and did not call for any enquiry.

4. In view of the above facts and circumstances, the first respondent is directed to conduct an enquiry on the complaint lodged



W.P.No.21094 of 2024

by the petitioners, after issuance of notice to the counter parties and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order in light of the communication of the second respondent dated 05.01.2024.

5. The writ petition, accordingly, stands disposed of. There shall be no order as to costs. W.M.P.No.23032 of 2024, petition filed to permit the petitioners to file a single writ petition stands allowed, inasmuch as the petitioners have paid separate set of court fees. Consequently, W.M.P.No.23035 of 2024 is closed.

26.07.2024

Neutral Citation : Yes/No

drm

To:

1. Registrar of Companies
Block No.6, B Wing, 2nd Floor
No.26, Haddows Road, Shastri Bhawan, Nungambakkam
Chennai – 600034.
2. Regional Director, South
Ministry of Corporate Affairs
No.26, Haddows Road, Shastri Bhawan, Nungambakkam
Chennai – 600 034.

Page 3 of 4



WEB COPY



W.P.No.21094 of 2024

G.K. ILANTHIRAIYAN, J.

(drm)

W.P.No.21094 of 2024

26.07.2024