



WEB COPY



W.P.No.25799 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25799 of 2021

And

W.M.P.No.27256 of 2021

Cheran Enterprises Private Ltd.,
Rep. by its Managing Director,
Mr.K.C.Palanisamy

... Petitioner

Vs.

1.The Union of India
Rep. by its Secretary to Government
Ministry of Corporate Affairs,
"A" Wing, Shastri Bhavan,
Dr.Rajendra Prasad Road,
New Delhi – 110 001.

2.The Registrar of Companies
Tamil Nadu – Coimbatore,
Office of the Registrar of Companies
AGT Business Park,
Avinashi Road,
Civil Aerodrome Post,
Coimbatore.

3.Nandakumar Athappan
4.Ramaswamy Athappan

(R3, R4 impleaded vide order
dated 28.07.2022 made in WMP.28367/2021
in WP.25799/2021 by AQJ)



W.P.No.25799 of 2021

5.Ore Holdings Limited
Rep. by R.Ravichandran
Power of Attorney
(R5 impleaded vide order dated 28.07.2022
made in WMP.28822/2021 In
WP.25799/2021 by AQJ)

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to re-active / make available the e-filing link of the MCA21 Portal in so far as the petitioner Company is concerned and to permit the petitioner to e-file the statutory documents relating to the petitioner Company from the year 2012 onwards till date.

For Petitioner : Mr.P.S.Raman
Senior Counsel
for M/s.Genicon Legal LLP

For Respondents : Dr.G.Babu for R1, R2
Central Government Senior Standing Counsel
Mr.J.Sivanandaraaj for R3, R4
Senior Counsel
for M/s.Ridhima Sharma
Mr.K.Gowtham Kumar for R5

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to re-active / make available the e-filing link of the MCA21 Portal in so far as the petitioner Company is concerned and to permit the petitioner to e-file



W.P.No.25799 of 2021

the statutory documents relating to the petitioner Company from the year 2012 onwards till date.

2.The learned Senior Counsel appearing for the petitioner submitted that the petitioner is a joint venture company and there is dispute between the petitioner and respondents 3 to 5. Pending dispute, the petitioner approached the second respondent for opening e-portal so as to enable the petitioner to e-file the statutory documents relating to the petitioner Company from the year 2012 onwards till date and the said request was rejected by the second respondent stating that there exists dispute between the parties and directed the petitioner to approach the competent Court and to obtain order.

3.The learned Senior Counsel appearing for the petitioner further submitted that once the dispute is over inbetween the petitioner and the private respondents, this Court may permit the succeeding party for opening e-portal for uploading the documents in accordance with law. If at all the private respondents have any grievance, the second respondent may be directed to hear the private respondents and to pass appropriate orders.



W.P.No.25799 of 2021

WEB COPY

4.The learned Senior Counsel appearing for the respondents 3 and 4 submitted that during the pendency of this writ petition, the third respondent passed away and further submitted that if any application is filed by the petitioner before the second respondent, this Court may issue direction to the second respondent to provide opportunity to the respondents 4 and 5 and thereafter to pass orders.

5.Since the third respondent passed away during the pendency of this writ petition, the claim as against the third respondent is abated.

6.Considering the submissions made on either side, this Court directs that after the dispute is over inbetween the petitioner and the private respondents, the succeeding party is permitted to approach the second respondent for opening e-portal for uploading the documents in accordance with law. If the succeeding party approaches the second respondent, the second respondent shall issue necessary notice to the other parties and after providing opportunity to the other party, pass appropriate orders, as expeditiously as possible.



W.P.No.25799 of 2021

WEB COPY

7.The writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

19.08.2024

pri

Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Union of India

Rep. by its Secretary to Government
Ministry of Corporate Affairs,
"A" Wing, Shastri Bhavan,
Dr.Rajendra Prasad Road,
New Delhi – 110 001.

2.The Registrar of Companies

Tamil Nadu – Coimbatore,
Office of the Registrar of Companies
AGT Business Park,
Avinashi Road,
Civil Aerodrome Post,
Coimbatore.



WEB COPY



W.P.No.25799 of 2021

M.DHANDAPANI,J.
pri

W.P.No.25799 of 2021
And
W.M.P.No.27256 of 2021

19.08.2024