



W.P.No.27579 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27579 of 2024

M/s. Leasco Limited,
No.6, Smith Road,
Chennai – 600 002.

...Petitioner

Vs.

1. Regional Director,
Southern Region,
Ministry of Corporate Affairs,
Shastri Bhawan, Haddows Road,
Chennai – 600 006.

2. Registrar of Companies,
Block No.6, B Wing 2nd Floor,
Shastri Bhawan 26, Haddows Road,
Chennai – 600 034.

3. The Secretary,
Ministry of Corporate Affairs,
“A” Wing, Shastri Bhawan,
Rajendra Prasad Road, New Delhi – 110 001.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the 3rd respondent herein to consider and pass order on the petitioner's application vide SRN No.AA9663147 dated 08.08.2024.



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For Petitioner : Mr.Bhagavath Krishnan PMN

For Respondents : Mr.N.Ramesh, SPC

ORDER

The petitioner has filed this Writ petition seeking direction to the 3rd respondent to consider and pass order on the petitioner's application SRN No.AA9663147 dated 08.08.2024.

2. Mr.N.Ramesh, learned Senior Panel Counsel takes notice on behalf of the respondents. In view of the consent expressed by the learned counsel on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner is a public limited company. In the year 2019, the Board of Directors in its 37th Annual General Meeting passed a resolution to convert the petitioner company into private limited company and thereby, the special resolution was passed by its members on 20.09.2019. Thereafter, the petitioner company filed an application before the 1st respondent for the said conversion, and though the same was approved by the 1st respondent, vide order dated 20.03.2020.,

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however, due to Covid-19 lockdown, as the petitioner company has belatedly filed the INC 28 and INC 27 form, pursuant to the direction of the 1st respondent, the petitioner re-filed the same on 10.11.2020. Despite which, as the same was not processed by the 1st respondent, the petitioner once again approached the 1st respondent, who in turn directed the petitioner to once again file a fresh application. Therefore, on 08.08.2024, the petitioner company filed a condone delay petition/application under Section 460 of the Companies Act, 2013 before the 3rd respondent, seeking to condone the delay in filing the E-Form INC 28 & 27, which evoked no response. Hence, the petitioner has come up with this writ petition.

4. Though very many grounds have been raised, the learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the 3rd respondent to consider the petitioner's condone delay application dated 08.08.2024 and pass appropriate orders as expeditiously as possible.

5. Learned Senior Panel counsel appearing for the respondents has no objection for the said order being passed and he fairly submitted that, appropriate orders will be passed on the petitioner's application dated



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08.08.2024 within the time stipulated by this Court.

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6. In view of the aforesaid submissions, this Court without going into the merits of the case, directs the 3rd respondent to consider the petitioner's condone delay application dated 08.08.2024 on merits and in accordance with law and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and aggrieved persons, if any.

7. With the above direction, this Writ Petition stands disposed of. No costs.

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NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No

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M.DHANDAPANI, J.



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