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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 2850/2024**

**KORTEK ELECTRONICS (INDIA) LIMITED & ANR.**

..... Petitioners

Through: Mr.Gurpreet Singh &  
Ms.Shwetank Tyagi, Advs.

versus

**REGISTRAR OF COMPANIES**

..... Respondent

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**ORDER**

% **09.04.2024**

**CRL.M.A. 10838/2024 (Exemption)**

1. Allowed, subject to all just exceptions.

**CRL.M.C. 2850/2024 & CRL.M.A. 10837/2024 & CRL.M.A. 10839/2024**

2. The present petition has been filed challenging the maintainability of CC No. 527882/2016 titled *Registrar of Companies v. M/s Kortek Electronic (India) Ltd.*; the summoning order dated 31.08.2015; and the order dated 24.02.2023 passed by the learned Additional Chief Metropolitan Magistrate, (Special Acts) Central, Tis Hazari Courts, New Delhi, on the said complaint.

3. The said complaint has been filed by the respondent against the petitioners *inter alia* under Section 172 of the Companies Act, 2013, alleging contravention of Rule 3 of the Companies (Appointment and Qualification of Directors) Rules 2014 read with Section 149 of the



Companies Act, 2013. It is the case of the petitioner that the said Rules were not applicable to the Company in question.

4. The learned counsel for the petitioner further challenges the order dated 24.02.2023 passed by the learned ACMM, Central, Tis Hazari Courts, New Delhi, in the above complaint, whereby the learned Trial Court has directed to proceed with the complaint against the petitioners, while separating the trial as against the accused nos. 2 and 3, as they could not be served in spite various efforts.

5. As for the challenge to the maintainability of the complaint, the same is highly belated. As noted hereinabove, the petitioners were issued summons in the said complaint by order dated 31.08.2015. The petitioners have chosen to challenge the same only now, that is, after an expiry of almost 9 years therefrom. This Court therefore, does not deem it fit to exercise its inherent jurisdiction on this petition filed with such huge delay.

6. As far as the challenge to the order dated 24.02.2023 is concerned, the petitioner can raise all its grievances before the learned Trial Court.

7. Accordingly, the present petition is dismissed on the ground of delay.

8. All pleas of the petitioners shall remain open before the learned Trial Court.

**NAVIN CHAWLA, J**

**APRIL 9, 2024/rv**

*Click here to check corrigendum, if any*