



\$~77

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

+ **CRL.M.C. 4064/2024**

SINDHUKARAN KNIT FAB LTD

.....Petitioner

Through: Mr. C. P. Vig, Adv.

versus

REGISTRAR OF COMPANIES AND ANR

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **10.07.2024**

CRL.M.A. 19954/2024 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.A. 19953/2024

1. The Petitioner has filed the present application seeking recall of the Order dated 20.05.2024.
2. Vide Order dated 20.05.2024, this Court had dismissed CRL.M.C. No. 4064/2024, challenging the maintainability of Complaint Case No.1523/2022 titled as Registrar of Companies v. M/s Sindhukharan Knit Fab Limited & Ors., filed by the Respondent herein under Section 99 of the Companies Act, 2013, for contravention under Section 96 of the Companies Act.
3. This Court had permitted the Petitioner to withdraw the petition with liberty to take the plea of limitation before the concerned court. Whereas, Order dated 31.05.2023 passed by this Court in CRL.M.C. 4756/2024,



pertaining to another company, this Court had issued notice.

4. On the statement of the Petitioner therein that the complaint was filed due to delay in holding the Annual General Meeting (AGM) of the Petitioner company, notice had been issued.

5. The issue as to whether the complaint is being barred by time or not is a matter which can be dealt with by the court dealing with the matter. It is made clear that this Court has not made any observation as to whether the complaint is or is not barred by time. The learned Trial Court is requested to consider the matter on the basis of the material produced before it regarding the question of delay and further as to whether it is a continuing offence or not.

6. The fact that for two different companies, two separate orders have been passed and the reason being given in the second order as to why notice is being issued, this Court at this juncture is not entertaining this application for recall of the order dated 20.05.2024.

7. The application is disposed.

SUBRAMONIUM PRASAD, J

JULY 10, 2024

hsk