

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15686 of 2019

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Manoj Madhav Son of Late Sadanand Prasad Resident of Road No. 6A,
Rajendra Nagar, P.S. Kadamkuan, District-Patna-800 016

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Corporate Affairs, Government of India, New Delhi
2. The Regional Director Ministry of Corporate Affairs, Office of the Regional Director (Eastern Region), Resident of Nizam Palace, 2nd M.S.O. Building, 3rd Floor, 234/4, Acharya Jagdish Chandra Bose Road, Kolkata-700 020
3. The Deputy Director Ministry of Corporate Affairs, Office of the Regional Director (Eastern Region), Resident of Nizam Palace, 2nd M.S.O. Building, 3rd Floor, 234/4, Acharya Jagdish Chandra Bose Road, Kolkata-700 020
4. The ROC-cum Official Liquidator Ministry of Corporate Affairs, High Court, Patna, Resident of Mourya Lok Complex, Block-A, 4th Floor, Dak Bunglow Road, Patna
5. The Deputy Registrar of Companies-cum-Deputy Official Liquidator Bihar, Patna Resident of Mourya Lok Complex, Block-A, 4th Floor, Dak Bunglow Road, Patna
6. The Bankipore Club Limited through the Honorary Secretary, Resident of Judges Court Road, Patna-800 001
7. The Returning Officer Bankipore Club Limited, Patna, Resident of Judges Court Road, Patna-800 001
8. Mr. Om Prakash Resident of House No. E/79, Rajesh Kumar Path, S.K. Puri, Near Basawan Park, District-Patna
9. Mr. Subhash Prasad Sinha Son of Jai Narayan Prasad Sinha Resident of Flat No. S-402, Udaigiri, Budh Marg, Patna-800 001
10. Mr. Mahesh Agarwal Resident of Kakama House, Krishna Bhawan, Frazer Road, District-Patna
11. Mr. Gopal Khemka Resident of Kataruka Niwas, South Gandhi Maidan, District-Patna
12. Mr. Bipin Kumar Sinha Son of Sukhdev Singh Sharma Resident of 10A, Rajendra Nagar, District-Patna
13. Mr. Vijay Bhagat son of Kewal Krishna Bhagat Resident of Road N 11 C, East of Charminar Apartment, Rajendra Nagar, Patna -800 016
14. Mr. Rana Narendra Kumar Singh Resident of House No. 261, Hanuman Nagar, Lohia Nagar, District-Patna
15. Mr. Rohit Ahluwalia Son of B.M. Singh Ahluwalia Resident of Ahluwalia Building, New Deakbunglow Road, District-Patna
16. Mr. Nikesh Prasad Son of Singheshwar Prasad Resident of behind NMCH college, flat no. 201/202, Amrapali Apartment, Bhootnath Road, District-Patna



17. Mr. Sanjay Agarwal Son of Jugal Kishor Agarwal Resident of Rajasthan Colony, Frazer Road, Near Hotel Samrat, District-Patna
18. Mr. Sanjay Kumar Santhalia Son of Dr. H M Santhalia Resident of House No. 29A/489, Road No. 8B, Rajendra Nagar, District-Patna

... ... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar, Advocate Mr. Syed Qaisar Hassan, Advocate
For the Respondent/s	:	Mr. S. D. Sanjay, AD SG
For the UOI	:	Mrs. Punam Kumari Singh, CGC
For the Resp. No. 9	:	Mr. Rajiv Kumar, Sr. Advocate Mr. Sudarshan Bharadwaj, Advocate Mr. Sandeep Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

8 11-09-2025 Heard Mr. Ajay Kumar, learned counsel for the petitioner, Mrs. Punam Kumari Singh, learned CGC and Mr. Rajiv Kumar representing the respondent no. 9.

2. The present petition has been preferred for the following relief(s):

“(a) A writ in the nature of certiorari for quashing the communication No. ROC-cum-OL/Complaint 555 dated 03-05-2019 under the signature of Deputy Registrar of Companies-cum-Deputy Official Liquidator (respondent no. 5) by which petitioner's complaint is disposed of by observing that the "subject company is Sec. 8 Company and It is no profit company. Hence, in view of Sec. 196(3) (a) and interpretation of the



order of Hon'ble Bombay High Court dated 08-02-2016, the provision of Sec. 196 (3) (a) does not seem applicable in the case of directors/executive committee members of a Sec.8 company."

(b) A writ in the nature of certiorari for quashing precursor notice dated: 29th Nov. 2018 under the signature of Honorary Secretary (Respondent no.11) giving notice to the members that the Annual General Body Meeting is scheduled to be held on 22-12-2018 for Election of Members of the Executive Committee.

(c) A writ in the nature of certiorari for quashing the notice dated 10-12-2018 stating that besides the sitting members of the Executive Committee eight (08) nominations including two members respondent number 09 & 13 having the age of more than 70 years have been received by the undersigned for Election as Members of the Executive Committee apart from nomination of sitting nine members (total nomination 17) in the Annual General Meeting to be held on 22nd December 2018 (Saturday) at 5.30 P.M., send



through speed post on 12-12-2018.

(d) A writ in the nature of certiorari for quashing subsequent report of election of the Executive Committee held on 22-12-2018, whereby the Returning Officer (Respondent no.7) declared the result of elected members on 22-12-2018 which is against the spirit of statutory provision of the Companies Act 2013.

(e) A writ in the nature of mandamus or any other writ order or orders or directing the respondent no. 1 to dispose the representation dated 17-05-2019 in accordance with the statutory provision of the Sec 196 (3A) of the Companies Act 2013.

(f) A writ in the nature of mandamus or any other writ order or orders or direction commanding the respondent authorities to declare the Election null and void.

(g) A writ in the nature of mandamus or any other writ order or orders or direction commanding the respondents' authorities to keep the newly elected Executive Committee as elected



on 22-12-2018 in suspended animation till disposal of the present writ application.

(h)Any other writ or order or orders to which the petitioner is entitled.”

3. After some arguments, learned counsel for the petitioner submits that a petition was preferred before the Ministry of Corporate Affairs, New Delhi on 17.05.2019 (Annexure-15 to the petition) and he would like the same to be disposed of.

4. It is the submission that to his knowledge, it has not been disposed of.

5. Granting liberty and without commenting on the merit of the case, the writ petition stands disposed of expecting the concerned Secretary, Ministry of Corporate Affairs to look into the matter and take it to its logical conclusion, if still not concluded, at an earliest.

(Rajiv Roy, J)

Adnan/-

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