

19.05.2025
Item No.3.
Ct. No.446.
ssd

CRR/1619/2011
M/S DIGVIJAY FINLEASE LTD & ORS.
VS
STATE OF WEST BENGAL & ANR.
IA NO: CRAN/1/2011(Old CRAN/1326/2011),
CRAN/2/2011(Old No:CRAN/2033/2011)

Mr. Somopriyo Chowdhury,
Mr. Rajshree Kajaria
..for the Petitioners.

It is submitted by the learned Advocate on behalf of the petitioners that in this matter certain typographical errors have come up which are to be rectified in the judgment dated 08.05.2025.

It is pointed out that at page 2 in paragraph 1 of the judgment "C-9493" is to be replaced as "C-9494. At page 3 in paragraph 3 of the said judgment "Section 301, 940" is to be replaced as "Section 301(4)". At the same page "Registrar" is to be replaced as "ledger". At page 8 in paragraph 10 "page 23,24,25,26" is to be replaced as "page 24, 25, 26, 27". At page 9 in continuing paragraph 10 "Form No.29" is to be replaced as "Form No.32". At page 9 in the same paragraph "with effect from 13.08.2004" is to be replaced as "30.01.2004" and "30.01.2004" is to be replaced as "13.08.2004". At page 10 in paragraph 11 the "Petitioner No.2" is to be replaced

as “Petitioner No.3”. At page 11 of the said judgment in paragraph 11 in two places “Rs.50,000/-“ is to be replaced as “Rs.5,000/-“.

The learned advocate further draws the attention of this court to this portion where that typographical error has committed.

At page 7 of paragraph 8 in the last part there is an inadvertent typographical mistake and error in incorporating the contravention as mentioned in the copy of the complaint annexed with the revisional application at paragraph 6 which is to be replaced from “the contravention of the above provisions in course of inspection under Section 301(4) of the Companies Act”.

On perusal it transpires that inadvertent typographical mistake and error has taken place.

Therefore, it is necessary that the said part be incorporated after correcting the said error apparent.

“That the Inspecting Officer is pointed out that the contravention of the aforesaid provision in course of inspection which, inter alia, states that as per minute book of Board of Directors dated 13.3.2001 the company took loan of Rs.1 lakh from Messers Rambha Investment Private Limited in which Sri R.N. Mundra was the Director in both the companies. Further as per the Board of Directors Minutes dated 31.3.2001 the company took loan of Rs.1 lakh from Mannakrishan Investment Limited in which Sri Sandip Kanoria was the Director in both the companies. The refund of loan which was taken from Mannakrishan Investment Limited has been recorded in page 3 in general ledger dated 31.3.2002. Thereby

provisions of Section 301 were violated and consequently the accused are liable for punishment as provided under Section 301(4).”

This paragraph is to be inserted.

The department is directed to incorporate the above corrections in the judgment and order dated 08.05.2025.

This order shall form part of the judgment dated 08.05.2025.

The other portion of the judgment dated 08.05.2025 shall remain unchanged.

(CHAITALI CHATTERJEE (DAS), J.)