

17.01.2025

Sl. No.: 16

Court No.30
BM

CRR 2295 of 2023

Kunj Commercial Company Ltd.

Vs.

Registrar of Companies, West Bengal

Mr. Ayan Bhattacharya, Sr. Adv.

Sri Dhilon Sengupta

Mr. Pramod Kumar Bagaria

Ms. Sarita Bagaria

Ms. Himika Saraf

... for the petitioner

Mr. Dhiraj Trivedi, Sr. Adv.

Mr. Mayukh Mukherjee

... for the UOI/ROC

1. The present revisional application has been preferred praying for quashing of proceeding being Complaint Case No.C/589/2022 under Sections 439(2) of the Companies Act, 2013 read with Section 200 of the Code of Criminal Procedure, 1973 for contravention of Section 204(2) of the Companies Act, 2013 pending before the court of the learned Chief Judicial Magistrate at Alipore, District South 24 Parganas.

2. Vide the order dated 10.01.2025 the petitioner herein was directed to exercise his option as per clause 4 of the instruction filed by the learned counsel appearing for the ROC. The said instruction dated 18.11.2024 No.ROC/LEGAL/CRR/2023/8157 wherein it has been stated is as follows :-

“ In view of the above, it is submitted if the petitioner opts for adjudication mechanism taking benefit of decriminalization of offence then respondent shall have no objection and will take consequential step before Learned CJM, Alipore”

3. As such the petitioner was directed to exercise his option in compliance of the said direction. The petitioner by way of affidavit with a copy to the other side has submitted as follows :-

“ Moreover, the petitioner wants to opt for adjudication mechanism under the relevant provisions of the said Act”

4. As such the revisional application is disposed of with the direction that the petitioner is at liberty to pray before the appropriate authority exercising his option for adjudication mechanism taking benefit of the de-criminalisation of the offence. **They will exercise their option within 60 days from the date of this order.**

5. Liberty is granted to the petitioner to pray for appropriate relief before the trial court on the basis of relevant provision of law which the learned Magistrate shall consider and dispose of on hearing both the sides in accordance with law.

6. Learned Magistrate may be guided by the observation in the present order.

7. Revisional application being CRR 2295 of 2023 stands disposed of.

8. Pending applications stand disposed of.

9. Interim order, if any, stands vacated.

10. Let a copy of the order be sent to the learned trial court at once.

11. Urgent Xerox certified copies of this order, if applied for, shall be supplied to the learned counsel for the parties as expeditiously as possible, in compliance of usual formalities.

(Shampa Dutt (Paul), J.)