

OD-6

ORDER SHEET

WPO No.186 of 2024
IA NO. GA/1/2025
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

BAHUBALI ESTATES LIMITED & ORS.
VS
UNION OF INDIA & ORS.

BEFORE:
THE HON'BLE JUSTICE AMRITA SINHA
Date : 28th February, 2025.

Appearance:
Mr. Jishnu Saha, Sr. Adv.
Mr. Suddhasatva Banerjee, Adv.
Mr. Kuldip Mullick, Adv.
Ms. Shobha Upadhyay, Adv.
...for the Petitioners.

Mr. M. S. Tiwari, Adv.
Ms. Farnaz Nasim, Adv.
...for the Respondents.

1. The petitioners are aggrieved by the act of two different Registrar of Companies in issuing two notices under Section 206[4] of the Companies Act, 2013. By the first notice issued on 15th December, 2023 by the Registrar of Companies, West Bengal, the petitioners were asked to provide certain information and documents, which the petitioners did by filing a response to the said notice.
2. The petitioners allege that without considering the response to the said notice, a second notice under Section 206[4] was issued on 15th February, 2024 by the Registrar of Companies-cum-Official Liquidator, Patna

requiring the petitioners to reply to the same allegations/charges to which the petitioners had already responded.

3. Jurisdiction of the Registrar of Companies-cum-Official Liquidator, Patna in issuing the second notice has been questioned. It has been submitted that the Registrar of Companies of the Kolkata office has already issued the first notice and, as such, the Patna office ought not to have issued the second notice on the self same premise.
4. The summons issued under Section 207[3] of the Registrar of Companies, 2013 dated 22nd February, 2024, prior to the expiry of the time limit to respond to the notice under Section 206[4] of the Act, has also been challenged.
5. It has been submitted that the entire proceeding was initiated in response to a complaint lodged by one Mr. Ganesh Singhania, who, in fact, has filed an affidavit signed before the notary in Kolkata clearly mentioning that he did not file any complaint against the petitioners' Company. It has been submitted that as the complainant has affirmed an affidavit disclosing that he did not file any complaint, accordingly, the Registrar of Companies ought not to proceed any further in the matter.
6. Prayer has been made to set aside the notices issued under Section 206 [4] and the summon issued under Section 207 [3] of the Act.
7. Learned counsel representing the Union of India submits that as the petitioners' response to the 206[4] notice issued in December, 2023 was

vague and unsatisfactory, a further notice was issued in February, 2024. It has been submitted that the Registrar of Companies-cum-Official Liquidator, Patna was empowered to inquire into the complaint lodged against the companies in the Eastern Zone. It is not that two different inquiries are being conducted, but it is the one and same inquiry that is being conducted.

8. The respondents pray for a direction upon the petitioners to respond to the notices issued under Sections 206 [4] and 207 [3] of the Act.
9. Upon hearing the submissions made on behalf of both the parties and on perusal of the materials on record, it appears that the Registrar of Companies West Bengal issued a notice under Section 206[4] of the Act in December, 2023 and a further notice with similar allegations and charges was issued by a different authority, i.e, the Registrar of Companies, cum Official Liquidator, Patna on 15th February, 2024 granting ten days' time to furnish information/explanation. No reason has been disclosed by the respondents for issuing two notices under Section 206[4] by two different authorities. The authorities ought to have proceeded with the response given by the petitioners to the first notice and reached the same to its conclusion in accordance with law.
10. The response of the petitioners to the notice under Section 206[4] dated 19th December, 2023 is already before the authority. It will be open for the Registrar of Companies, Kolkata, who is having jurisdiction in the matter,

to proceed on the basis of the response given by the petitioners. The subsequent notice under section 206[4] dated 15th February, 2024 stands set aside.

11. If the response of the petitioner is found to be inadequate or unsatisfactory, it will be open for the competent authority to take all consequential steps in accordance with law. The summons under Section 207[3] of the Act dated 22nd February, 2024 stands set aside at this stage. If books of accounts or other documents are required for the purpose of conducting inspection or inquiry, then necessary steps under Section 207 may be resorted to.
12. The writ petition stands disposed of.
13. In view of the disposal of the writ petition, the connecting application being GA/1/2025 also stands disposed of.
14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)