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W.P.Nos.4932,4938,4942,4945 & 4948 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.04.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.Nos.4932,4938,4942,4945 & 4948 of 2025

and

W.M.P.Nos.5468, 5473, 5482, 5489 and 5495 of 2025

Vaasavi Nidhi Ltd.
Rep. by its Director,
Mr.T.L.Harinath
No.35N D Kottai Main Road
Hosur,
Krishnagiri-635 109.

... Petitioner in WP.No.4932 of 2025

Selva Chudar Nidhi Limited
Rep. by its Director,
Mr.Naveenkumar
No.1/328 G, GVJ Building,
Ramapuram Village & Post,
Kundarapalli, Krishnagiri-635115.

... Petitioner in WP.No.4938 of 2025

Sirva Sevaa Nidhi Ltd.,
Rep. by its Executive Director,
Mr.J.Sivsubramanian
No.1, 1st Street, 1st Floor,
Hotel Krishna Bhavan,
Nehru Nagar,

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W.P.Nos.4932,4938,4942,4945 & 4948 of 2025

Acharapakkam Taluk and Post,
Maduranthagam Taluk
Kancheepuram-603 301.

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... Petitioner in WP.No.4942 of 2025

M/s.Thiruchirappalli Paraspara Sahaya Nidhi
Ltd
Rep. by its Authorised Signatory
Mr.P.Ravichandran,
No.152, Main Road, Keezha Valady,
Lalgudi Taluk, Tiruchirappalli-621218.

... Petitioner in WP.No.4945 of 2025

M/s.Finpaark Sahaya Nidhi Limited
Rep. by its Director
Mr.Dhanabalan Sudalimuthu,
No.38, First Floor, Naicker New Street,
Madurai-625 001.

... Petitioner in WP.No.4948 of 2025

Vs.

1.Union of India,
Rep by The Assistant Director,
Ministry of Corporate Affairs,
5th Floor, A Wing, Shastri Bhavan,
Dr.Rajendra Prasad Road,
New Delhi 110 001.

2.The Regional Director,
Ministry of Corporate Affairs,
Southern Region,
5th Floor, Shastri Bhavan,
26, Haddows Road,
Chennai 600 006.

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3.The Registrar of Companies,
No.7, A G T Business Park, Phase-II,
1st Floor, Civil Aerodrome Post,
Coimbatore-641014.

... Respondents in 4932 and 4938
of 2025

1.Union of India,
Rep by The Assistant Director,
Ministry of Corporate Affairs,
5th Floor, A Wing, Shastri Bhavan,
Dr.Rajendra Prasad Road,
New Delhi 110 001.

2.The Regional Director,
Ministry of Corporate Affairs,
Southern Region,
5th Floor, Shastri Bhavan,
26, Haddows Road,
Chennai 600 006.

3.The Registrar of Companies,
Tamil Nadu Andaman and Nicobar Islands,
2nd Floor, C Wing,
Shastri Bhavan,
26,Haddows Road,
Chennai- 600 006.

... Respondents in 4942 and 4948
of 2025

1.Union of India,
Rep by The Deputy Director,
Ministry of Corporate Affairs,
5th Floor, A Wing, Shastri Bhavan,



W.P.Nos.4932,4938,4942,4945 & 4948 of 2025

Dr.Rajendra Prasad Road,
New Delhi 110 001.

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2.The Regional Director,
Ministry of Corporate Affairs,
Southern Region,
5th Floor, Shastri Bhavan,
26, Haddows Road,
Chennai 600 006.

3.The Registrar of Companies,
Tamil Nadu Andaman and Nicobar Islands,
2nd Floor, C Wing,
Shastri Bhavan,
26,Haddows Road,
Chennai- 600 006.

... Respondents in
4945 of 2025

Common Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent relating to the impugned orders dated 18.10.2023, 04.03.2024, 24.11.2023, 05.07.2022 and 22.04.2024 thereby rejecting the application in e-Form NDH-4 filed by the petitioner and to quash the same and consequently, direct the respondents to accept the e Form NDH - 4 filed by the petitioner vide SRN R34928101 dated 06.03.2020, SRN T10073906 dated 25.03.2021, SRN T17499096 dated 03.05.2021, SRN R39561964 dated 25.03.2020 and SRN T32993305 dated 29.07.2021 and to issue the notification as

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regards the petitioner in the Official Gazette as a Nidhi in terms of Rule 3A of the Nidhi Rules, 2014 as amended by Nidhi (Amendment) Rules, 2019.

For Petitioner
in all petitions : Mr.T.Saikrishnan

For Respondent
in all petitions : Mr.AR.L.Sundaresan,
Additional Solicitor General,
Assisted by Ms.V.Sudha, SCGC

COMMON ORDER

These Writ petitions have been filed by the petitioner challenging the orders passed by the respondent, rejecting the application in e-Form NDH-4 filed by the petitioner, and to direct the respondents to accept the Form NDH-4 filed by the petitioner.

2. When these Writ Petitions are taken up for hearing, the respective learned counsel for the petitioners and learned Additional Solicitor General for the respondents, would submit that the issue, involved in the present Writ Petitions, has been squarely covered by the common order dated 20.03.2025 passed in W.P.Nos.23402 & 23408 of



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2024, etc., batch, whereby, the petitioner was granted an opportunity to file their reply. Hence, they would submit that the above said order will hold good for the present Writ Petitions also and prayed to dispose of the Writ Petitions. The order passed by the Hon'ble Division Bench reads as follows:

“The writ petitions have been instituted to assail the order passed by the second respondent dated 23.06.2023 rejecting the application filed by the petitioner in Form NDH-4 and to declare the amendment made substituting Section 406 of The Companies Act 2013 with new Section 406 as per The Companies (Amendment) Act 2017 (Act 1 of 2018) published vide gazette dated 03.01.2018 and notified with effect from 15.08.2019 requiring the Nidhi Companies which are already incorporated as Nidhi Companies to once again get a declaration as Nidhi by the Central Government is illegal, excessive, arbitrary and unconstitutional and strike down the same; to declare the amendment made to Nidhi Rules 2014 by Nidhi (Amendment) Rules 2019 vide notification dated 01.07.2019 with effect from 15.08.2019 by inserting Rule 3A and Rule 23A are illegal, excessive, arbitrary and unconstitutional and strike down the same; to declare the amendment made to Nidhi Rules 2014 by Nidhi (Amendment) Rules 2022 vide notification dated 19.04.2022 with effect from 19.04.2022 by inserting provisos to Rule 3A and Rule 23A are illegal, excessive, arbitrary and unconstitutional and strike down the same.

2. The learned counsel appearing on behalf of the writ petitioner restricted his prayer by submitting that the second respondent passed orders on the application beyond the time limit of 45 days fixed to dispose of the



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application. In the present case, the application in Form NDH-4 was filed by the petitioner on 15.04.2020, but the same was rejected by the second respondent in proceeding dated 23.06.2023.

3. A perusal of the impugned order would reveal that certain observations against the petitioner are made with reference to the particulars available in the application and consequently the rejection order was passed. The learned counsel for petitioner would submit that the petitioner will be satisfied if the subsequent reply/explanation given by the petitioner is taken into consideration and a fresh order is passed, by affording opportunity to the petitioner, on merits and in accordance with law.

4. The learned Senior Panel Counsel appearing on behalf of the respondents would submit that reasons are stated in the order impugned. The application was rejected on merits. The larger relief sought for in one of the writ petitions is to declare the provisions of law as null and void.

5. In view of the fact that the petitioner has restricted the relief as such sought for in the writ petitions, this Court is inclined to pass the following order:-

(i) The petitioner states that it has submitted reply to the impugned order dated 23.06.2023 on 14.07.2023. Apart from the reply dated 14.07.2023, the petitioner is at liberty to submit a fresh reply regarding the compliance of the defects stated in the impugned order dated 23.06.2023, within a period of four weeks from the date of receipt of a copy of this order.

(ii) On receipt of any such reply/explanation from the petitioner, the second respondent shall provide an opportunity to the writ petitioner and thereafter pass appropriate



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final orders on merits and in accordance with law as expeditiously as possible. However, the legal issue regarding the validity of the provisions of law is left open.”

3. Upon considering the submissions made by the learned counsel for the petitioner and the learned Additional Solicitor General appearing for the respondents and in view of the aforesaid order passed by the Hon'ble Division Bench, this Court passes the following order:

i) The petitioners states that they had submitted their respective replies to the impugned orders dated 18.10.2023, 04.03.2024, 24.11.2023, 05.07.2022 and 22.04.2024. Apart from the said replies, the petitioners are at liberty to submit a fresh reply regarding the compliance of the defects stated in the said impugned orders, within a period of two weeks from the date of receipt of a copy of this order.

ii) On receipt of any such replies/explanations from the petitioner, the second respondent shall provide an opportunity to the writ petitioners and thereafter pass appropriate final orders on merits and in accordance with law within a period of four weeks from the date of filing of replies by the respective petitioners. However, the legal issue regarding the



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validity of the provisions of law is left open.

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4. With the above directions, the present Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

07.04.2025

Speaking/Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
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To

1.Union of India,
Rep by The Assistant Director,
Ministry of Corporate Affairs,
5th Floor, A Wing, Shastri Bhavan,
Dr.Rajendra Prasad Road,
New Delhi 110 001

2.The Regional Director,
Ministry of Corporate Affairs,
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5th Floor, Shastri Bhavan,
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3. The Registrar of Companies,
Tamil Nadu Andaman and Nicobar Islands,
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4. The Registrar of Companies,
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Rep by The Deputy Director,
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KRISHNAN RAMASAMY.J.,
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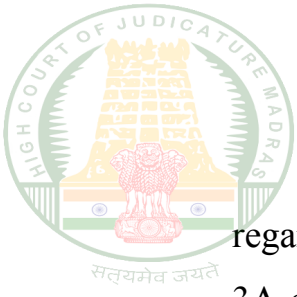
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regards the petitioner in the Official Gazette as a Nidhi in terms of Rule 3A of the Nidhi Rules, 2014 as amended by Nidhi (Amendment) Rules, 2019.

COMMON ORDER

These Writ petitions have been listed today under the caption 'For Being Mentioned' .

2. In the order dated 07.04.2025 passed in the aforesaid Writ Petitions, inadvertently in the appearance portion, the name of the counsel who assisted the respondent counsel was wrongly typed as ***Ms.V.Sudha, SCGC*** instead of ***Mr.S.Prasad Vijayakumar, SPCCG***.

3. Registry is directed to carry out the aforesaid correction and issue fresh order copy to the parties concerned.

27.06.2025

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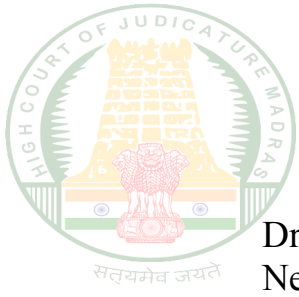
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- 5.Union of India,
Rep by The Deputy Director,
Ministry of Corporate Affairs,
5th Floor, A Wing, Shastri Bhavan,

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KRISHNAN RAMASAMY.J.,

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27.06.2025



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