



W.P.No.8536 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 14.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.8536 of 2025
and
W.M.P.Nos. 9555 & 9556 of 2025

S.NATARAJAN

... Petitioner

Vs

THE REGISTRAR OF COMPANIES,
CHENNAI,
ADJUDICATING OFFICER,
II FLOOR, C-WING, SHASTRI BHAVAN,
26, HADDOWS ROAD,
CHENNAI- 600 006.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, calling for the records of the impugned order dated 26.11.2024 bearing F.No.ROC./CHN/BINNY LTD/ADJ/S.203/2024 passed by the respondent and quash the same as being unconstitutional, illegal arbitrary and in violation of the principles of natural justice.

For Petitioner : Ms.Preeti Mohan

For Respondent : Mr.K.Subbu Renga Bharathi
Central Government Counsel

ORDER



W.P.No.8536 of 2025

WEB COPY This writ petition challenges an order dated 26.11.2024, in which a penalty of Rs. 5,00,000/- was imposed on the company and its directors for non-compliance with certain regulations.

2. The case of the writ petitioner is that the petitioner was a non Executive Director and none of the defences put forth by the petitioner was even taken into account and therefore, since there is complete non-application of mind, the petitioner need not be relegated to the appellate remedy. Therefore, the petitioner has approached this Court.

3. When the matter came up for admission, the learned Central Government Counsel taking notice on behalf of the respondent would submit that there is an appellate remedy available to the Regional Director and appeal has to be preferred within a period of 60 days. Even there is a provision to condone the delay, the company as well as the other Directors have already filed an appeal against the self same order and the same is pending before the Regional Director.

4. Though *Ms.Preeti Mohan*, the learned counsel appearing for the



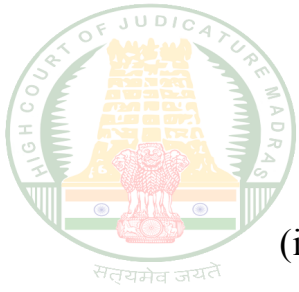
W.P.No.8536 of 2025

petitioner argues that none of the contentions of the petitioner was considered while passing the impugned order, I am of the view that when appeals are pending as against the self same order and when this ground can also be raised before the Regional Director, the petitioner can be relegated to the alternative remedy in the instant case. However, since the petitioner has filed the present writ petition, time is granted to the petitioner and if the appeal is filed within the granted time, the same shall be treated as within limitation, so that the matter can be taken up along with the other appeals that are pending.

5. In view thereof, this writ petition is disposed of on the following terms:-

(i) The petitioner is permitted to file an appeal as against the impugned order dated 26.11.2024 bearing F.No.ROC./CHN/BINNY LTD/ADJ/S.203/2024 within one week from the date of receipt of the web copy of the order without waiting for the certified copy of the order.

(ii) As and when the appeal is filed along with the web copy of this order, the same shall be treated by the Appellate Authority, as filed within time and the Appellate Authority shall consider the appeal filed by the petitioner on merits, in accordance with law, along with the other connected appeals said to be pending.



W.P.No.8536 of 2025

(iii) All the contentions of the petitioner which are raised in this writ

petition are kept open to be raised before the Appellate Authority.

Consequently, connected miscellaneous petitions are closed. No costs.

14.03.2025

Neutral Citation: Yes/No
nsl

To
THE REGISTRAR OF COMPANIES,
CHENNAI,
ADJUDICATING OFFICER,
II FLOOR, C-WING, SHASTRI BHAVAN,
26, HADDOWS ROAD,
CHENNAI- 600 006.

D.BHARATHA CHAKRAVARTHY, J.



WEB COPY



W.P.No.8536 of 2025

nsi

W.P.No.8536 of 2025

14.03.2025