



WEB COPY

WP Nos. 9601, 9608, 9613, 9621 & 9625  
of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 24-04-2025**

CORAM

**THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY**

**WP Nos. 9601, 9608, 9613, 9621 & 9625 of 2025**

**and**

**WMP Nos.10755, 10756, 10761, 10762, 10768,  
10769, 10779, 10780, 10785, 10787 of 2025**

**WP No. 9601 of 2025**

M/s.Thooya Sahaya Annai Nidhi  
Limited,  
Rep. by its Managing Director,  
Mr. Xavier Gnanadas  
No.12/ 157, Sahaya Annai Aalayam,  
Koottamavoo, Mulagumoodu Po,  
Kanyakumari, Tamil Nadu-629 167.

Petitioner(s)

Vs

1. Union Of India  
Rep. by The Deputy 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.

Respondent(s)

**WP No. 9608 of 2025**

M/s.Mulagumoodu Vicariate Catholic  
Nidhi Ltd.,  
Rep. by its Managing Director,  
Mr.Benjamin Davidson,  
Uthayatharagai, Opp. Mathakurusady,  
Thuckalay Post,  
Kanyakumari,Tamil Nadu-629 175.

Petitioner(s)

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.

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

Respondent(s)

**WP No. 9613 of 2025**

M/s.Arobanaannai Nidhi Limited  
Rep. by its Managing Director,  
Mr.Callistus Maria Sebastian  
A.J. Complex Colachel Road,  
Thickanamcode,  
Kanyakumari, Tamil Nadu 629 804.

Petitioner(s)

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.

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

Respondent(s)

**WP No. 9621 of 2025**

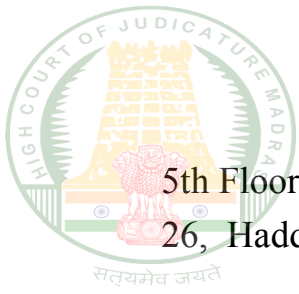
M/s.Parvathipuram Nidhi Ltd.,  
Rep. by its Director,  
Mrs.Prema Sunitha Jeevamony  
Vethamony,  
No.444/1, Royal Complex, M.S.Road,  
Parvathipuram, Nagercoil,  
Kanyakumari, Tamil Nadu-629 003.

Petitioner(s)

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.

WEB

3.The Registrar of Companies

Tamil Nadu, Andaman and Nicobar  
Islands,

2nd Floor, C Wing,

Shastri Bhavan,

26, Haddows Road, Chennai 600 006.

Respondent(s)

**WP No. 9625 of 2025**

M/s.Saint Sebastian Nidhi Limited

Rep. by its Director

Mr.Gnanapragasam Jeyakumar,

Madathattu Villai, Villukuri,

Kayakumari, Tamil Nadu 629 180.

Petitioner(s)

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

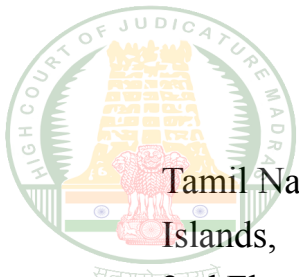
Ministry of Corporate Affairs,

Southern Region,

5th Floor, Shastri Bhavan,

26, Haddows Road, Chennai 600 006.

3.The Registrar of Companies



Tamil Nadu, Andaman and Nicobar  
Islands,

2nd Floor, C Wing,

Shastri Bhavan,

26, Haddows Road,

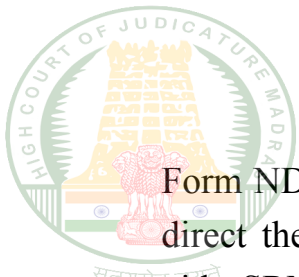
Chennai 600 0006.

Respondent(s)

**PRAYER in WP No. 9601 of 2025:** Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the 1st Respondent relating the impugned order dated 16.06.2023 thereby rejecting 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 R77763423 dated 16.06.2023 and to issue the notification as 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 and pass.

**PRAYER in WP No. 9608 of 2025:** Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the 1st Respondent relating to the impugned order dated 04.07.2024 thereby rejecting 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 R77836211 dated 26.12.2020 and to issue the notification as 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 and pass.

**PRAYER in WP No. 9613 of 2025:** Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the 1st Respondent relating to the impugned order dated 01.07.2024 thereby rejecting 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 R40825606 dated 06.06.2020 and to issue the notification as 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 and pass.

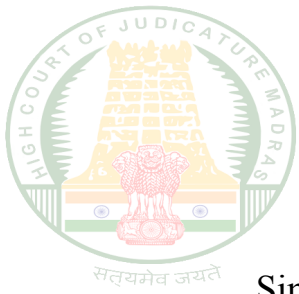
**PRAYER in WP No. 9621 of 2025:** Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the 1st Respondent relating to the impugned order dated 01.07.2024 thereby rejecting application 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 R48345235 dated 03.08.2020 and to issue the notification as 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 and pass.

**PRAYER in WP No. 9625 of 2025:** Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the 1st Respondent relating to the impugned order dated 05.06.2024 thereby rejecting 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 R36018158 dated 21.03.2020 and to issue the notification as 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 and pass.

**Appearance of counsel in all W.P's**

For Petitioners: Mr.T.Sai Krishnan

For Respondents: Ms.V.Sudha,  
Senior Central Government  
Counsel



## **COMMON ORDER**

WEB COPY

Since the issue involved and the relief sought in all these Writ Petitions are identical in nature, the same were heard together and are disposed of vide this common order.

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

3. When these Writ Petitions are taken up for hearing, the learned counsel for the petitioners and the learned Senior Central Government Counsel 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 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:

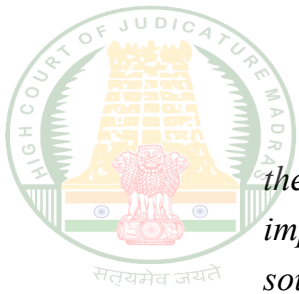
WEB COPY

*“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 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*



WEB COPY

*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 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.”*

4. Upon considering the submissions made by the learned counsel for the petitioners and the learned Senior Central Government Counsel 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 16.06.2023, 04.07.2024, 01.07.2024, & 05.06.2024. Apart from the said replies, the petitioners are at liberty to submit a fresh reply



WEB COPY



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 petitioners, 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 validity of the provisions of law is left open.

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

**24-04-2025**

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

jd



To

1. Union Of India

Rep. by the Deputy 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.



WEB COPY

WP Nos. 9601, 9608, 9613, 9621 & 9625  
of 2025



**KRISHNAN RAMASAMY J.**  
jd

**WP Nos. 9601, 9608,  
9613, 9621 & 9625 of  
2025**

**24-04-2025**