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W.A.No.3327 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.A.No. 3327 of 2023

Sri Krishna Sweets Pvt. Ltd.,
137, D.B.Raod, R.S.Puram,
Coimbatore – 641 002.

...Appellant

Vs.

1.The Joint Director,
Ministry of Corporate Affairs,
Office of the Regional Director,
Southern Region, Chennai,
Shastri Bhavan, Block – I,
V Floor, 26 Haddows Road,
Chennai – 600 006.

2.Sri Krishna Sweets & Food Products (Chennai) Pvt. Ltd.,
No.81, Yukan Tower, II Floor,
Thirumalai Pillai Road, T.Nagar,
Chennai – 600 017.

...Respondents

PRAYER: The Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 03.03.2023 passed in W.P.No.5271 of 2017.

For Appellant : Mr.Sricharan Rangarajan, Sr. Counsel
For Mr.Athiban Vijay. AK

For Respondents : Mr.K.Venkataswamy Baabu, SPC for R1
Mr.Sathsh Parasaran, Senior Counsel
For Mr.Rahul Balaji for R2



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J U D G M E N T

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

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Under assail is the writ order dated 03.03.2023 made in W.P.No.5271 of 2017.

2. The 2nd respondent in the Writ Petition is the appellant before this Court. The 2nd respondent in the present appeal instituted a writ of prohibition, prohibiting the 1st respondent from exercising jurisdiction in the impugned proceeding before the 1st respondent, pertaining to the application filed by the appellant under Section 16 of the Companies Act, 2013 for rectification of the name of M/s.Sri Krishna Sweets and Food Products (Chennai) Pvt. Ltd., and to direct the 1st respondent to terminate the said proceedings with immediate effect.

3. The writ Court elaborately adjudicated the issues on merits including the point of limitation raised between the parties to entertain a complaint under Section 16 of the Companies Act, 2013. The writ Court considered Section 22 of the Companies Act, 1956 and formed an opinion that the complaint filed by the appellant herein is not maintainable in view of the limitation contemplated under Section 22(1)(ii)(b) of the Companies Act, 1956.

4. This Court has elaborately heard the parties.



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5. The right of the parties to agitate the issues before the original Authority need not be taken away unnecessarily. That apart, the original Authority would be in a better position to scrutinize the documents, evidence for the purpose of giving quietus. The disputed facts relating to Trade need not be adjudicated by the writ Court under Article 226 of the Constitution of India. The power of the judicial review needs to be confined with reference to the procedure to be followed in consonance with the Acts and Rules, but not the decision. In the present case the writ Court has considered and decided the point of limitation raised by the parties.

6. The learned Senior Counsel appearing for the appellant would contend that the complaint was filed under Section 16 of the Companies Act, 2013.

7. Per contra, the learned Senior Counsel appearing for the 2nd respondent would oppose by stating that the limitation as contemplated under Section 22 of the Companies Act, 1956 is to be taken into consideration.

8. These issues can be adjudicated before the competent Authority. Leaving open all issues, including the point of limitation, the parties have no serious objection to agitate the matter on merits before the competent



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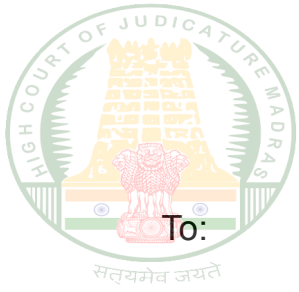
Authority. The Authority competent is expected to expedite the process of hearing and complete the same as expeditiously as possible.

9. It is brought to the notice of this Court that the enquiry proceedings were progressed even before filing of the Writ Petition and the respective parties filed their written statement before the competent Authority. Therefore, the Authority is requested to complete the process and pass final orders by providing a personal hearing to the parties.

10. With these observations, the writ order made in W.P.No.5271 of 2017 dated 03.03.2023 is set aside and the Writ Appeal stands **allowed**. No costs.

(S.M.S., J.) (M.S.Q., J.)
18.09.2025

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



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To:

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