IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **17-09-2025**

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WMP. No.39597 of 2025 in WP NO. 35366 of 2025

Saravana Selvarathinam
Retail Provatelimited Rep By Managing Director, No. 14
Ranganathan Street,T Nagar, Hennai 60 0 017. and another

Petitioner(s)

Vs

Director General Of Corporate Affairs
Minsitry Of Corporate Affairs, Shastri Bhawan 5th Floor, A
Wing, New Delhi 110 001. and another

Respondent(s)

For Petitioner(s): Mr.Karthikeyan, Sr.C
For M/s.Krishna Ravindran
For Respondent(s): Ms.D.Kamatchi

ORDER

The first petitioner was incorporated as a Company under the Companies Act on 19.12.2005 with the Registrar of Companies, Chennai. The first petitioner company is a family owned entity with no external or public investment or involvement and the authorised share capital of the first petitioner company is Rs.50,00,00,000/- and the paid up capital is Rs.41,31,11,000/- The petitioners received a letter dated 30.06.2025 from the second respondent and ordered for inviestigation by the serious fraud investigating officer and the second respondent was appointed as investigating officer for the said enquiry and requested the first petitioner company to submit certain records relating to the first petitioner and on 17.06.2025 the first respondent has passed an order to conduct enquiry. Challenging the said order, the present writ petition has been filed.

2. The learned counsel for the petitioner submitted that the writ petition has been filed solely on the ground that the second respondent has to act only on the basis of the report filed by the Registrar of Companies and without a report being filed by the Registrar of

Companies, the proceeding initiated against the petitioner is not sustainable. In this reg the learned counsel for the petitioner placed reliance on Section 212 of the Companies Act, 2013, wherein there is a clear prescription that investigation into the affairs of a company by the Serious Fraud investigation office could be undertaken by the Central Government on receipt of a report of the Registrar or Inspector under Section 208.

3. It is the further submission of the learned counsel for the petitioner that the impugned order also has not been provided to the petitioner so far so as to enable the petitioner to ventilate his grievance in accordance with law.

4. This Court perused Section 212 of the Companies Act which provides that the Central Government may, if it thinks necessary, investigate into the affairs of the company by the Serious Fraud investigation office on receipt of a report of the Registrar or Inspector under Section 208. It is the specific case that no report has been filed by the Registrar and in such view of the matter, this Court is of the view that a prima facie case has been made out by the petitioner for grant of interim stay.

5. Accordingly, there shall be an order of interim stay as prayed for. Notice to the respondents returnable by 24.10.2025. List the case on 24.10.2025. Counter, if any by then.

17-09-2025

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To
Director General Of Corporate Affairs
Minsitry Of Corporate Affairs, Shastri Bhawan 5th Floor, A Wing,
New Delhi 110 001.