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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C)-IPD 59/2025 and CMs 247-248/2025**

ORIENT CABLES (INDIA) LIMITED

.....Petitioner

Through: Mr. Chander M. Lall, Sr. Adv. with
Mr. Kapil Wadhwa, Mr. Raghav
Wadhwa, Mr. Amitoj Chaddha & Ms.
Anannya Mehan, Advs.

versus

**OFFICE OF THE REGIONAL DIRECTOR (NORTHERN REGION)
MINISTRY OF CORPORATE AFFAIRS & ORS.Respondents**

Through: Mr. Gaurav Barathi, SPC-UOI with
Ms. Rasya Rawal, Advs. for R-1 and
R-2
Mr. Abhishek Malhotra, Sr. Adv. with
Mr. Angad Singh Dugal, Mr. Govind
Singh Grewal, Ms. Srishti Gupta, Mr.
Shubham Niwas, Mr. Kartikey Dutta,
Ms. Anukriti Trivedi & Ms. Raghavi
Shukla, Advs. for R-3

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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01.12.2025

CM 248/2025 (seeking exemption from filing certified copies)

1. This is an application under Section 151 Code of Civil Procedure, 1908 ['CPC'], seeking exemption from filing certified copies of documents, clear copies of the illegible documents, & documents not having sufficient left-hand margins at this stage.
2. Subject to the Petitioner filing certified copies, clear copies and



translations within a period of thirty (30) days from today, exemption is granted for the present, failing which, the Petitioner will not be entitled to rely upon these documents.

3. Accordingly, the application stands disposed of.

W.P.(C)-IPD-59/2025
CM 247/2025

4. This petition has been filed seeking a writ of prohibition against the Regional Director (Northern Region), Ministry of Corporate Affairs, from proceeding with the application filed by the Respondent No. 3 under Section 16(1)(b) of the Companies Act, 2013 ('Act of 2013') vide application number RD(NR)/DL/Sec 16/2025 dated 08.08.2025.

5. The learned counsel for the Petitioner sets out the Petitioner's case as under:

5.1. It is stated that the Petitioner company was incorporated on 15.09.2005 under the Companies Act, 1956, by the Registrar of Companies (RoC); however, there was a typographical error in the name of the company, which was amended, and a fresh certificate of incorporation was issued by the RoC on 24.04.2007.

5.2. It is stated that on 13.12.2024, the Petitioner was converted into a public limited company as per Section 18 of the Act of 2013 and changed its name to Orient Cables (India) Limited.

5.3. It is stated that on 08.08.2025, Respondent No. 3 has filed a time-barred application for rectification of the name of the Petitioner company under Section 16(1)(b) of the Act of 2013.

5.4. It is stated that the limitation period for filing an application under Section 16(1)(b) of the Act of 2013, on behalf of the Respondent no. 3



expired on 24.04.2010. Since the Petitioner's last name change occurred in 2007, the three-year limitation under Section 16(1) lapsed in 2010 and the Petitioner's subsequent conversion into a public limited company on 13.12.2024 does not revive or extend the expired limitation period.

5.5. It is stated that the Petitioner has already filed its preliminary response to the application on 18.09.2025 before the Respondent No. 1 and specifically raised the issue of the bar of limitation to the said application.

5.6. It is stated that a hearing before the Respondent No. 1 was conducted on 29.09.2025, during which the Respondent No. 1 failed to consider or adjudicate upon the preliminary objection regarding the limitation raised by the Petitioner and had orally observed that it may exercise its *suo moto* jurisdiction under Section 16(1)(a) of the Act of 2013.

5.7. It is stated that Petitioner apprehends that it would be taken by surprise if the Respondent No. 1 exercises its jurisdiction under Section 16(1)(a) of the Act of 2013.

5.8. Mr. Lall, learned senior counsel for the Petitioner states that exercise of jurisdiction by Respondent No. 1 under Section 16(1)(a) of the Act of 2013 would also be time-barred today and relies upon the judgment of the Madras High Court in **T.T. Ltd. V. Union of India and Ors**¹.

5.9. He states that Petitioner has applied for an IPO and any adverse order by Respondent No. 1 would affect the IPO.

6. Mr Gaurav Barathi, Advocate appearing on behalf of Respondent Nos. 1 and 2, states that the application filed by the Respondent No. 3 is under Section 16(1)(b) of the Act of 2013.

6.1. He states on instructions that he disputes the Petitioner's contention

¹ MANU/TN/6461/2022



that on 29.09.2025, there was any opinion expressed by the Respondent No. 1 with respect to exercising its *suo moto* jurisdiction under Section 16(1)(a) of the Act of 2013.

6.2. He states that the procedure which the Respondent No. 1 has to follow for exercising jurisdiction under Section 16(1)(a) of the Act of 2013 is independent and distinct from Section 16(1)(b) of the Act of 2013, and an independent notice has to be issued to the affected party i.e., Petitioner before any such jurisdiction is exercised by Respondent No. 1.

6.3. He states that it is a matter of fact that no notice under Section 16(1)(a) of the Act of 2013 has been issued to the Petitioner till date.

6.4. He states that the next date of hearing before the Respondent No. 1 is on 03.12.2025.

7. In response, Mr. Malhotra, learned senior counsel appearing on behalf of the Respondent No. 3 states that the application filed by the Respondent No. 3 is under Section 16(1)(b) of the Act of 2013. He states that the issue of Respondent No. 3's application being barred by limitation or not, falls within the jurisdiction of Respondent No. 1 and the present writ petition cannot be maintained.

Court's Findings

8. This Court has heard the learned counsels for the parties and has perused the matter.

9. In the admitted facts noted above, it is evident that the application filed by Respondent No. 3 has been filed under Section 16(1)(b) of the Act of 2013. Thus, the issue arising for consideration before Respondent No. 1 has to be examined within the scope of Section 16(1)(b) of the Act of 2013, which includes the issue of limitation.



10. This Court finds merit in the submission of Respondent Nos. 1 and 3 that the issue of limitation raised by the Petitioner falls within the jurisdiction of Respondent No. 1 and has to be decided by Respondent No. 1 in the first instance before proceeding to the merits.

11. Thus, in the considered opinion of this Court, the Respondent No. 1 while deciding the application filed by Respondent No. 3 under Section 16(1)(b) of the Act of 2013 will first decide the issue of limitation raised by the Petitioner and if the issue of limitation is decided in favour of the Petitioner, it will proceed to decide the application on merits, in accordance with law.

Respondent No. 1 will be at liberty to decide both, the issue of limitation and merits by a common order. Respondent No. 1 will ensure that its order records specific findings on the objection of limitation as raised by the Petitioner.

12. It is directed that, in case Respondent No. 1 decides the issue of limitation against the Petitioner and allows the application of Respondent No. 3 filed under Section 16(1)(b) of the Act of 2013 on merits, the said order will be kept in suspension for one (1) week to enable the Petitioner to avail the remedies in accordance with law.

13. Respondent Nos. 1 and 2 will ensure that the final order of Respondent No. 1 on the application of Respondent No. 3 is communicated by email to the Petitioner as well as counsel, who is appearing before Respondent No. 1.

14. The Respondent No. 1 is directed to change the date of the hearing, i.e., 03.12.2025, and postpone the hearing by one (1) week. All parties are agreeable to the change of date.



Section 16(1)(a) of the Act

15. However, the apprehension of the Petitioner that Respondent no. 1 may proceed to exercise its *suo moto* jurisdiction under Section 16(1)(a) of the Act of 2013, denying Petitioner an opportunity of hearing while disposing of Respondent No. 3's application needs to be addressed.

Respondent No. 1 admits that no notice has been issued to the Petitioner with respect to any intended exercise of jurisdiction under Section 16(1)(a) of the Act of 2013 and the counsel has in fact denied that there is any such intention to exercise *suo moto* jurisdiction on the part of Respondent No. 1.

16. In view of the aforesaid submissions of Petitioner and Respondent No. 1, it is hereby directed that Respondent No. 1, while considering the application of Respondent No. 3, shall exercise only its jurisdiction under Section 16(1)(b) of the Act of 2013. Respondent No. 1 shall not invoke its *suo moto* jurisdiction under Section 16(1)(a) of the Act of 2013 while deciding Respondent No. 3's application so as to take the Petitioner by surprise. Even otherwise this Court is of the opinion such jurisdiction under Section 16(1)(a) of the Act of 2013 cannot be invoked by Respondent No. 1 without first issuing notice to the Petitioner, as it would in violation of principles of natural justice.

17. With the aforesaid directions, the petition and the captioned application stand disposed of.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 1, 2025/hp/AJ/AM