



WEB COPY

WP No. 116 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-01-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

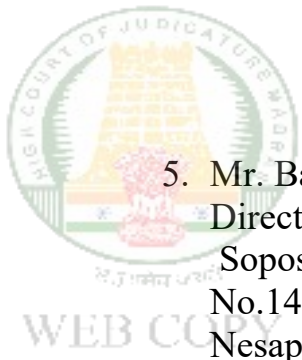
WP No. 116 of 2026

Mrs. Pushpavalli Suresh Babhu
1A, First Floor, Ishaan Towers
343, Lakshmanasami Salai, K.K.Nagar
Chennai - 600078.

..Petitioner(s)

Vs

1. Union of India
Rep. by Secretary to Government
Ministry of Corporate Affairs,
5th Floor, A-Wing Shastri Bhavan
Dr. Rajendra Prasad Road
New Delhi 110 001.
2. The Director General of Corporate Affairs
Ministry of Corporate Affairs
Kota House Annexe, No1, Shajahan Road
New Delhi 110 011.
3. The Registrar of Companies (Chennai)
Shastri Bhavan, 2nd Floor
26, Haddows Road, Chennai 600 006.
4. M/s. Sopos Technology Private Limited
Rep. by its Authorised Signatory
No.14, Jeyabalaji Nagar
K.K.Nagar West Nesapakkam
Chennai - 600 078.



5. Mr. Balaji Ayyar
Director Cum Shareholder
Sopos Technologies Pvt. Ltd.,
No.14, Jeyabalaji Nagar, K.K.Nagar West,
Nesapakkam, Chennai 600 078.

6. S.Balamurugan
Director Cum Shareholder,
Sopos Technologies Pvt. Ltd.,
Old No.1 New No.27, Murugesan Street,
Tondiarpet, Chennai 600 081.

..Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd Respondent to forthwith conduct an enquiry into the affairs of the 4th Respondent, based on the Petitioner's representations and pursuant to the communication dated 27/12/2022 in F.No.2/ M41 /2022 -23 (Compl.) issued by the 1st Respondent to the 3rd Respondent and take consequential penal action as per the Companies Act, 2013 against the 4th Respondent and its Key Managerial Personnel.

For Petitioner(s): Mr.Anish Gopi

For Respondent(s): Mr.K.S.Jeyaganeshan
Central Government Standing Counsel
[R1 to R3]

ORDER

The writ petition has been filed for the following relief :

“ To issue a Writ of Mandamus directing the 3rd Respondent to forthwith conduct an enquiry into the affairs of the 4th Respondent, based on the Petitioner's representations and pursuant to the communication dated 27/12/2022 in F.No.2/ M41 /2022 -23 (Compl.) issued by the 1st Respondent to the 3rd Respondent and take



consequential penal action as per the Companies Act, 2013 against the 4th Respondent and its Key Managerial Personnel.”

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2. The petitioner, who is the owner of the subject property had leased it out to the fourth respondent in January 2019. The 5th and 6th respondents are the key-managerial personnel of the 4th respondent. The 4th respondent had defaulted in making the rental payments and had also caused damage to the petitioner's property. Therefore, the petitioner had initiated R.L.T.O.P.No.510 of 2020 before the XVI Court of Small Causes, Chennai, following which a series of litigation ensued thereafter, both before this Court as well as the Hon'ble Supreme Court. This High Court had directed the 4th respondent to pay compensation of Rs.2,39,54,000/- and this was also confirmed by the Supreme Court.

3. During the course of litigation, the petitioner had discovered that the 4th respondent had wilfully failed to disclose the pendency of litigations, arrears of rent, liabilities in financial statements and annual returns before the 3rd respondent, thereby, constituting fraud under Section 447 of the Companies Act. In lieu of the same, the petitioner filed a complaint before the 2nd and 3rd respondents on 14.11.2022. To which, the 4th respondent submitted a reply through the 3rd respondent, which according to the petitioner, is evasive and misleading. Therefore, the petitioner submitted a detailed rebuttal on 20.12.2022. Pursuant to the said letter, the 2nd respondent through its Southern



Regional Office, Chennai, had sent a communication dated 27.12.2022 to the 3rd respondent to examine the allegations on the part of the 4th respondent, despite which, the 3rd respondent had failed to complete the enquiry, as mandated under the Companies Act, 2013.

4. The petitioner would also state that the 5th and 6th respondents had removed of the 4th respondent company's assets and had incorporated a new entity by the name M/s.Solai Technologies Private Limited, and running business similar to that of the 4th respondent. This is done only with an intent to defeat the creditors claim. Hence, the petitioner is before this Court seeking a mandamus to the 3rd respondent to forthwith conduct an enquiry into the affairs of the 4th respondent based on her representation and in pursuance of the communication dated 27.12.2022.

5. Heard the learned counsel for the petitioner and Mr.K.S.Jeyaganeshan, learned Central Government Standing Counsel appearing for respondents 1 to 3.

6. Today, when the writ petition is taken up for hearing, Mr.K.S.Jeyaganeshan, learned counsel appearing for respondents 1 to 3 on instructions would submit that pursuant to the complaint received from the petitioner regarding non-receipt of payment, the 3rd respondent had submitted a report to its Regional Director on 15.12.2022, and also a report to the first



respondent vide its letter dated 03.01.2023 seeking permission to conduct a limited enquiry to identify the violations committed by the 4th respondent and awaits instructions from them.

7. It appears that even prior to the filing of the writ petition, the 3rd respondent had sought permission from the first respondent to conduct a limited enquiry to identify if there is any violation of the Companies Act, 2013 by the 4th respondent, and necessary instructions are awaited from the first respondent. Considering the fact that an action has been taken on the basis of the representation submitted by the petitioner, once again a written representation from the petitioner need not be called for. The first respondent shall issue necessary directions to the third respondent to proceed with the enquiry into the petitioner's complaint and after hearing the petitioner and the fourth respondent, the third respondent shall pass orders thereupon. This exercise shall be concluded as expeditiously as possible, considering the fact that the complaint was made as early as on 27.12.2022.

8. With the above directions, the writ petition is disposed of. No costs.

19-01-2026

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



To:

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