

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 4953/2020

(Arising out of impugned final judgment and order dated 15-11-2019 in CRLP No. 23595/2012 passed by the High Court of Judicature at Madras)

R. SUBRAMANIAN

Petitioner(s)

VERSUS

THE DEPUTY REGISTRAR OF COMPANIES &amp; ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.77578/2020-CONDONATION OF DELAY IN FILING and IA No.77579/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.77580/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.77577/2020-PERMISSION TO APPEAR AND ARGUE IN PERSON)

WITH SLP(Cr1) No. 3720/2020

(FOR ADMISSION and I.R. and IA No.77048/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.77051/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.77047/2020-PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 12-10-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s)

Petitioner-in-person

For Respondent(s)

UPON hearing petitioner-in-person the Court made the following  
O R D E RDiary No.13553 of 2020

Permission to appear and argue in person is granted.

Delay condoned.

The petitioner appearing in person submits that his Financial Year ends on the 30<sup>th</sup> of June of the year in question and that thus,

he would have six months' time to hold the AGM and sixty days thereafter to file the annual return. It is his contention that the AGM was held on 31<sup>st</sup> December, 2009 i.e. on the last day and the returns were filed on 1<sup>st</sup> March, 2010 within the stipulated time. He further submits that this document had been placed on record before the High Court.

On perusal of the impugned order, we do not find any consideration of this aspect and thus, we are of the view that the petitioner may move the High Court in this behalf for which liberty is granted. The necessary application be filed within thirty days from today.

The special leave petition stands disposed of in the aforesaid terms.

Needless to say that on the second application being filed, this aspect will be considered on its merits by the High Court.

Pending application, if any, stands disposed of.

SLP(Cr1.)No.3720 of 2020

Permission to appear and argue in person is granted.

The petitioner appearing in person submits that the findings in paragraph 5 of the impugned order that there was no material to show that the petitioner's company Financial Year ends on 30<sup>th</sup> June, 2009 is contrary to record as the order of the Ministry of Corporate Affairs as sent vide their letter dated 7<sup>th</sup> January, 2009 (Annexure P-1) itself would show the reference to the Financial Year ending on 30<sup>th</sup> June, 2008. He submits that this document was on record.

On perusal of the impugned order, we do not find any consideration of this aspect and thus, we are of the view that the petitioner may move the High Court in this behalf for which liberty is granted. The necessary application be filed within thirty days from today.

The special leave petition stands disposed of in the aforesaid terms.

Needless to say that on the second application being filed, this aspect will be considered on its merits by the High Court.

Pending application, if any, stands disposed of.

(ANITA MALHOTRA)  
COURT MASTER

(ANITA RANI AHUJA)  
ASSISTANT REGISTRAR