

THE HIGH COURT OF MEGHALAYA

AT SHILLONG.

COMPET[SH] No. 4 of 2013

Smti QUEEN TALUKDAR BAISHYA
Daughter of NABIN CHANDRA TALUKDAR
Permanent resident of BARBARI,
GUWAHATI, ASSAM, INDIA
Guwahati - 781036
Assam

.....Petitioner.

Versus

The Registrar of Companies.
Registrar of Companies of Assam, Tripura,
Manipur, Nagaland, Meghalaya, Arunachal
Pradesh and Mizoram
Morrelow Building, M.G. Road,
Shillong – 793001
Meghalaya

.....Respondent.

**BEFORE
THE HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH,
CHIEF JUSTICE (ACTING)**

For the petitioner : D.K.Acharjee, Adv.

For the respondents : R. Deb Nath, CGC

Date of hearing : 16-09-2013

Date of Judgment : 16-09-2013

JUDGMENT AND ORDER (ORAL)

By an order of this Court dated 29-8-2013, learned counsel appearing for the petitioner had been directed to take instructions regarding para No. 12 of the affidavit-in-opposition filed by the respondents. For easy reference, the earlier order of this Court dated 29-8-2013 is quoted hereunder :

“29.08.2013

The respondent had filed affidavit-in-opposition.

The learned counsel appearing for the petitioner prays for one week's time for taking instructions from the petitioner if the petitioner has anything to say to the affidavit-in-opposition filed by the respondent more particularly, para No. 12 of the affidavit-in-opposition which reads as follows:

"12. In premises of the aforesaid facts the company petition deserves to be dismissed. However, considering the merits in the company petition if any the Hon'ble Court is of the opinion to allow the petition, the same may be allowed subject to the following directions upon the petitioner Company:-

***A.** The Hon'ble Court may please be gracious enough to issue a direction upon the petitioner company to file all its pending statutory returns since SINCE DATE OF INCORPORATION i.e. since financial year ending 31st March 2002 and onwards with the e-registry of the Respondent within 30 days from the date of the order.*

***B.** The Hon'ble Court may also be gracious enough to impose a minimum cost of Rs. 66000 for the gross and deliberate negligence in filing the Statutory Returns. "*

Prayer is granted.

List this case again on 12-9-2013."

2. Mr. D.K.Acharjee, learned counsel appearing for the petitioner submits at the Bar that he had received the instructions from the petitioner which reads as follow:

"Sub:- Undertaking for Company Application No. 4 of 2013 for M/S Pankhi Health Establishment Private Limited.

Sir,

With reference to above application, I, do hereby give my undertaking to accept all the terms and conditions in relation to additional fees in filing of documents and cost as may be awarded by the Hon'ble Court as mentioned in Paragraph 12 of the affidavit filed by the learned Registrar of Companies, Shillong.

Thanking You,

*Yours Faithfully,
For, Pankhi Health Establishment
Private Limited
(Director)"*

3. In the above factual backdrop, this writ petition is disposed of with a direction to the petitioner to file all its pending statutory returns since the date of incorporation i.e since financial year ending 31st March 2002 and onwards and shall pay the additional fee, if necessary, within a period of 6(six) weeks' from the date of receipt of a certified copy of this judgment and order.

4. With the above observations and directions, this writ petition stands disposed of.

CHIEF JUSTICE (ACTING)

S.Rynjah