

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT APPEAL NOS: 1315 AND 1317 OF 2024

WRIT APPEAL NO: 1315 OF 2024

Writ Appeal under clause 15 of the Letters Patent filed against the order Dated.07/11/2024 passed in writ petition No 30273 of 2024. on the file of the High Court.

Between:

1. Embassy Commercial Projects (Whitefield) Private Limited, Ground Floor, Block 3A, Embassy Tech Village Outer Ring Road, Near New Horizon College Kaverappa Layout, Devarabeesanahalli Village Bengaluru, Karnataka - 560103 Rep. by its Director Mr. Anshu Prakash
2. Anshu Prakash, B 54 Ground Floor Defence Colony New Delhi 110024

...APPELLANTS/RESPONDENT NO.14&17

AND

1. Mr. Prem Jain, S/o Shyam, Aged 60 years 10 Central Avenue First Floor Maharani Bagh, New Delhi - 110065

...RESPONDENT/WRIT PETITIONER

2. The Union of India, Through Secretary Ministry of Corporate Affairs Shastri Bhawan New Delhi 110001
3. Regional Director, South East Region, Ministry of Corporate Affairs 3rd Floor Corporate Bhawan, Near Water Board, Bandlaguda, Thatti Annaram Village, Hayatnagar, Nagole, Hyderabad - 500068
4. The Registrar of Companies E Wing, 2nd Floor Kendriya Sadana Koramangala Bangalore 560034 Karnataka
5. Ms. Rupal Dhiren Jhaveri, 207 Regent Chambers 2nd Floor 208 Jamnalal Bajaj Road Nariman Point Mumbai 400 021 Maharashtra
6. Mr. Jash Gadhvi, 207 Regent Chambers 2nd Floor 208 Jamnalal Bajaj Road Nariman Point Mumbai 400 021 Maharashtra
7. Ms. Komal Marda, Flat no 103 Queens Court Apartment Street No 19 Himayath Nagar Hyderabad 5000 036 Telangana

8. Ms. Pratiksha Amelkar, Rajgir Chamber 12/ 14 Shahid Bhagat Singh Road Opposite Old Custom House 3rd Floor Mumbai 400 001 Maharashtra
9. Ms. Sheetal Ahuja, Embassy Commercial Project Whitefield Pvt Ltd First Floor Embassy Point 150 Infantry Road Bengaluru 560 001 Karnataka
10. Mr. Sumit Bhartia, 1103 Floor No 11 Wing R Plot No 51/B Godrej Origins Eastern Express Highway The Trees Vikhroli Mumbai 400079 Maharashtra
11. Mr. Shravan Sharma, 3503 B Wing Raheja Imperia Worli 45 Shankar Rao Naram Path Lower Parel Mumbai 400013 Maharashtra
12. Walker Chandiok and Co LLP, Firm registration number 001076N/N500013 5th Floor No 65/2 Block A Bagmane Tridib Bagmane Tech Park C V Raman Nagar Bengaluru 560093
13. Mr. Ashish Kedia, 5th Floor No 65/2 Block A Bagmane Tridib Bagmane Tech Park C V Raman Nagar Bengaluru 560093
14. Mr. Hemant Maheshwari, 5th Floor No 65/2 Block A Bagmane Tridib Bagmane Tech Park C V Raman Nagar Bengaluru 560093
15. Mr. Jayesh Karia, 1201 02 Dhavalgiri Neelkanth Vihar Kuria Terminus Road Ghatkopar East Mumbai 400077 Maharashtra
16. Mr. Vasudev Garg, G 17 Maharani Bagh New Delhi 100065

...RESPONDENTS/RESPONDENTS

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend/stay the operation of the Impugned Order dated 07.11.2024 passed in W.P. No. 30273 of 2024, pending the disposal of the above Appeal

Counsel for the Appellants: SRI S. NIRANJAN REDDY FOR SRI. TARUN G. REDDY

Counsel for the Respondent No.1: SRI AVINASH DESAI FOR VADEENDRA JOSHI

Counsel for the Respondent NOs.2 to 4: MS L. PRANATHI REDDY FOR SRI GADI PRAVEEN KUMAR DY SOLICITOR GENERAL OF INDIA

Counsel for the Respondent NOs.5 to 16: ----

WRIT APPEAL NO: 1317 OF 2024

Writ Appeal under clause 15 of the Letters Patent Preferred Against Order Dated 07/11/2024 Passed in WP.No. 30273 of 2024. on the file of the High Court.

Between:

1. Mr. Sumit Bhartia, Age about 45 Years, 1103 Floor No 11 Wing R Plot No 51/B Godrej Origins Eastern Express Highway, The Trees Vikhroli Mumbai 400079 Maharashtra
2. Mr. Shravan Sharma, Age about 50 Years , 3503 B Wing Raheja Imperia Worli 45 Shankar Rao Naram Path Lower Parel Mumbai 400013 Maharashtra
3. Mr. Jayesh Karia, Age about 50 Years, 1201 02 Dhavalgiri Neelkanth Vihar Kuria Terminus Road Ghatkopar East Mumbai 400077 Maharashtra

...APPELLANTS/RESPONDENT NO.9,10&15

AND

1. Prem Jain, S/o Shyam, Aged 60 years 10 Central Avenue First Floor Maharani Bagh, New Delhi – 110065

...RESPONDENT/WRIT PETITIONER

2. The Union of India, Through Secretary Ministry of Corporate Affairs Shastri Bhawan New Delhi 110001
3. Regional Director, South East Region, Ministry of Corporate Affairs 3rd Floor Corporate Bhawan, Near Water Board, Bandlaguda, Thatti Annaram Village, Hayatnagar, Nagole, Hyderabad - 500068
4. The Registrar of Companies, E Wing 2nd Floor Kendriya Sadana Koramangala Bangalore 560034 Karnataka
5. Ms. Rupal Dhiren Jhaveri, 207 Regent Chambers 2nd Floor 208 Jamnalal Bajaj Road Nariman Point Mumbai 400 021 Maharashtra
6. Mr. Jash Gadhvi, 207 Regent Chambers 2nd Floor 208 Jamnalal Bajaj Road Nariman Point Mumbai 400 021 Maharashtra
7. Ms. Komal Marda, Flat no 103 Queens Court Apartment Street No 19 Himayath Nagar Hyderabad 5000 036 Telangana
8. Ms. Pratiksha Ambelkar, Rajgir Chamber 12/ 14 Shahid Bhagat Singh Road Opposite Old Custom House 3rd Floor Mumbai 400 001 Maharashtra
9. Ms. Sheetal Ahuja, Embassy Commercial Project Whitefield Pvt Ltd First Floor Embassy Point 150 Infantry Road Bengaluru 560 001 Karnataka
10. Walker Chandiook and Co LLP, Firm registration number 001076N/N500013 5th Floor No 65/2 Block A Bagmane Tridib Bagmane Tech Park C V Raman Nagar Bengaluru 560093
11. Mr. Ashish Kedia, 5th Floor No 65/2 Block A Bagmane Tridib Bagmane Tech Park C V Raman Nagar Bengaluru 560093
12. Mr. Hemant Maheshwari, 5th Floor No 65/2 Block A Bagmane Tridib Bagmane Tech Park C V Raman Nagar Bengaluru 560093
13. Mr. Anshu Prakash, B 54 Ground Floor Defence Colony New Delhi PIN. 110024.
14. Mr. Vasudev Garg, G 17 Maharani Bagh New Delhi 100065

← 4 →

15. Embassy Commercial Projects (Whitefield) Private Limited, Ground Floor,
Block 3A, Embassy Tech Village, Outer Ring Road, Near New Horizon
College, Kaverappa Layout, Devarabeesanahalli Village, Bengaluru,
Karnataka - 560103

...RESPONDENTS/RESPONDENTS

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Counsel for the Appellants: SRI A. VENKATESH FOR SRI. TARUN G. REDDY

Counsel for the Respondent No.1: SRI AVINASH DESAI FOR VADEENDRA JOSHI

Counsel for the Respondent NOs.2 to 4: MS L. PRANATHI REDDY FOR SRI GADI PRAVEEN KUMAR DY SOLICITOR GENERAL OF INDIA

**Counsel for the Respondent NOs.5 to 16: ----
The Court made the following: COMMON JUDGMENT**

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT APPEAL Nos.1315 and 1317 of 2024

COMMON JUDGMENT: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. S.Niranjan Reddy, learned Senior Counsel, representing Mr. Tarun G.Reddy, learned counsel for the appellants in W.A.No.1315 of 2024, appeared through video conferencing.

Mr. A.Venkatesh, learned Senior Counsel representing Mr. Tarun G.Reddy, learned counsel for the appellants in W.A.No.1317 of 2024.

Mr. Avinash Desai, learned Senior Counsel representing Mr. Vadeendra Joshi, learned counsel for the respondent No.1.

Ms. L.Pranathi Reddy, learned counsel representing Mr. Gadi Praveen Kumar, learned Deputy Solicitor General of India for the respondents No.2 to 4.

2. These intra court appeals arise from an order dated 07.11.2024 passed by the learned Single Judge by which the writ petition preferred by the respondent No.1, namely W.P.No.30273 of 2024, has been allowed and disposed of.
3. Learned Senior Counsel for the appellants have made the following submissions:
- i) The respondent No.1, who was also one of the officers in default, issued a letter of authorisation on 23.08.2022 in favour of the respondent No.7 to represent him in the compounding matter.
 - ii) The fact that a company petition is pending before the National Company Law Tribunal, Bangalore, was not brought to the notice of the learned Single Judge.
4. It is submitted that neither any notice nor any opportunity of hearing has been afforded to the appellants before passing the impugned order.
5. Learned Senior Counsel for the respondent No.1 did not dispute the fact that neither any notice nor any

opportunity of hearing was afforded to the appellants before passing the impugned order.

6. In view of the stand taken by the appellants in this intra court appeal as well as the fact that neither any notice nor any opportunity of hearing has been afforded to the appellants before passing the impugned order, the impugned order is set aside. The learned Single Judge is requested to decide the writ petition afresh after hearing the parties.

7. The writ appeals are accordingly disposed of.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

**SD/- T.SRINIVAS
DEPUTY REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

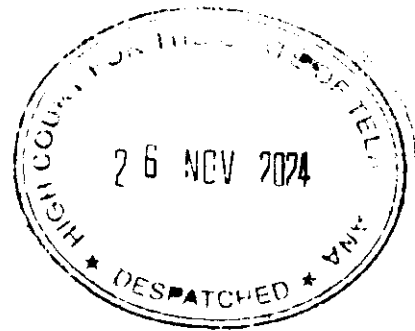
1. The Union of India, Through Secretary Ministry of Corporate Affairs Shastri Bhawan New Delhi 110001
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3. The Registrar of Companies E Wing, 2nd Floor Kendriya Sadana Koramangala Bangalore 560034 Karnataka
4. One CC to SRI. TARUN G. REDDY Advocate [OPUC]
5. One CC to SRI. VADEENDRA JOSHI Advocate [OPUC]
6. One CC to Sri Gadi Praveen Kumar, Deputy Solicitor General of India [OPUC]
7. Two CD Copies

KKS



HIGH COURT

DATED:22/11/2024



COMMON JUDGMENT

WA.Nos.1315 and 1317 of 2024

**DISPOSING OF THE WRIT APPEALS
WITHOUT COSTS**

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~~PERMA~~
26/11/2024