

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

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

WRIT PETITION NO: 33909 OF 2024

Between:

1. Acumen Software Technologies Limited, CIN No. U72200TG1998PLCO29196, Corporate office.2-22-174, Margadarshini Society Rasoolpura, Secunderabad - 500003. Represented by its Promoter - Director and Majority shareholder, Mr. Sai Prakash Pasumarthy, duly authorised by EGM Resolution dated. 24.10.2022.
2. Mr. Sai Prakash Pasumarthy, S/o Late P.Hanumatha Rao, Aged about 61 years, Promoter-Director and Majority shareholder of Acumen Software Technologies Limited 2-22-174, Margadarshini Society, Rasoolpura, Secunderabad - 500003.

...PETITIONERS

AND

1. The National Company Law Tribunal, Hyderabad, Represented by its Registrar, Corporate Bhawan, Bandlaguda, Nagole, Hyderabad - 500068.
2. The Ministry of Corporate Affairs Union of India, Represented by the Secretary, A Wing, Shastri Bhavan, Rajendra Prasad Road, New Delhi - 110 001.
3. The Registrar of Companies, for the State of Telangana Ministry of Corporate Affairs, Corporate Bhawan, Bandlaguda, Nagole, Hyderabad - 500068.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to may set aside and declare as void the impugned order of National Company Law Tribunal dated 15.10.2024 passed in CP No.7/241/HDB/2024 as it is violative of the authority vested in the petitioner no.2 as per Sec. 2(69) of the Companies Act 2013, Rule 10 of the Companies (Registration Offices and Fees) Rules 2014 under which relief was prayed for as the said e-forms are defective, incomplete and have been filed without mandatory documents attached and are against facts established in records of the RoC since inception of the company, against findings of the inquiry of the RoC, against the findings of judicial inquiry

of the NCLT and principles of natural justice and for the reason that their filing is offence U/Secs. 448 and 449 of CA 2013 and violative of several provisions of Companies Act as shown below. 2. Consequentially, this Hon'ble court may be pleased to pass call for records from the Registrar of Companies and may pass an appropriate Writ, Order or Direction or more particularly one in the nature of Writ of Mandamus, directing the Registrar of Companies to invalidate the following e-forms filed on the web portal of RoC/Ministry of Corporate Affairs within a time as decided by this Hon ble court, by adhering to Rule 10 (1) 10(2) and Rule 10(6) of the Companies (Registration offices and Fees) Rules 2014 for the reasons given in para no.1 of the prayer. a. DIR 12 e-form filed by Mr. Venkata Siva Rama Murthy dated 13.7.2016 (Annexure P11) as it is violative of Secs 2(69) and 167 of CA 2013 and subsequently to rectify the list of directors of Acumen Software Technologies Limited by removing name of Mrs. P.Arunmyee as director and reflect names of genuine directors as shown in Annexure P18. b. MGT -14 e-form dated 13.4.2017 (Annexure P14) and declare the EGM resolution dated 18.12.2016 (Annexure P15) as illegal as it is violative of Sec. 2(69) and 14 of CA 2013. c. INC 22 e-form dated 5.2.2019 (Annexure P19) filed to show that the registered office of the company has changed as no such change in registered office was approved by the board of directors of the company and consequently display the factual registered office address in the records of the RoC. d. DIR 12 e-form dated 5.2.2019 (Annexure P20) filed to show Mr. Chandan Singh as director of the Company in the records of the RoC and remove his name from RoC records as he was not appointed as director it is violative of Sec. 2(69) and Sec. 152 of CA 2013. a. Activate the DIN 02022202 of the petitioner no. 2 which now shows status as deactivated, to enable the petitioner no.2 to file all statutory compliance documents on behalf of the company. b. Direct the Respondents 1 and 2 to consider for approval, all compliance documents as and when filed on behalf of Acumen Software Technologies Limited without payment of penalty for delayed filing and any other legal action against the directors and Acumen Software Technologies Limited. c. Direct the Ministry of Corporate Affairs to prosecute CA Venkata Siva Rama Murthy and others U/Secs. 448 and 449 of CA 2013 for filing the aforesaid illegal e-forms/documents with false information and illegal accompanying documents with fraudulent intent. d. Direct respondents 2 and 3 to further not to take on

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record any e-forms/documents filed by anyone other than the petitioner no.2 or any other officer of the company authorized by him. e. Direct the respondents 2 and 3 not to take any action on the notice dated 18.7.2019 issued to Acumen Software Technologies U/Sec.248 of CA 2013 for deregistering the company until it resumes commercial operations.

**Counsel for the Petitioner: SRI. SAI PRAKASH PASUMARTHY,
PARTY IN PERSON**

**Counsel for the Respondents: SRI ANURAG REP SRI GADI PRAVEEN KUMAR
Dy. SOLICITOR GEN. OF INDIA**

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION No.33909 of 2024

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

Mr. Sai Prakash Pasumarthy - petitioner No.2,
appeared as party-in-person.

Mr. R Anurag, learned counsel representing Mr. Gadi
Praveen Kumar, learned Deputy Solicitor General of India,
for the respondents.

2. In this writ petition under Article 227 of the
Constitution of India, the petitioners have assailed the
validity of the order dated 15.10.2024 passed by the
National Company Law Tribunal, Hyderabad Bench-1
(hereinafter referred to as, "the Tribunal"), on the ground
that the same is violative of the authority vested in the
petitioner No.2 as per Section 2(69) of the Companies Act,

2013, and Rule 10 of the Companies (Registration Offices and Fees) Rules, 2014.

3. The petitioners had filed a petition under Section 398 of the Companies Act, 2013, read with Rules 10 and 11 of the National Company Law Tribunal Rules, 2016, before the Tribunal. The aforesaid application has been rejected on the ground that it suffers from vice of non-joinder of necessary party.

4. Admittedly, against the aforesaid order, the petitioners have a statutory remedy of filing an appeal before the National Company Law Appellate Tribunal. In view of the availability of the alternative remedy, we are not inclined to exercise the writ jurisdiction.

5. The writ petition is therefore disposed of with the liberty to the petitioners to take recourse to the statutory remedy available to them in law. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

**SD/-K. AMMAJI
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Registrar, National Company Law Tribunal, Hyderabad, Corporate Bhawan, Bandlaguda, Nagole, Hyderabad - 500068.
2. The Secretary, Ministry of Corporate Affairs Union of India, A Wing, Shastri Bhavan, Rajendra Prasad Road, New Delhi - 110 001.
3. The Registrar of Companies, for the State of Telangana Ministry of Corporate Affairs, Corporate Bhawan, Bandlaguda, Nagole, Hyderabad - 500068.
4. One CC to SRI. SAI PRAKASH PASUMARTHY, PARTY IN PERSON [OPUC]
5. One CC to SRI. GADI PRAVEEN KUMAR Dy. SOLICITOR GEN. OF INDIA [OPUC]
6. Two CD Copies

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CC TODAY

HIGH COURT

DATED:04/12/2024



ORDER

WP.No.33909 of 2024

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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HMA
04/12/2024