ITEM NO.126 COURT NO.6 SECTION XVII-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal Nos.6803-6805/2021

R NARAYANASAMY Appellant(s)

VERSUS

THE REGISTRAR OF THE COMPANIES, TAMIL NADU Respondent(s)

(IA No. 147899/2021 - APPLICATION FOR PERMISSION, IA No. 146744/2021 - CLARIFICATION/DIRECTION, IA No. 146742/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 47636/2022 - EXEMPTION FROM FILING O.T. & IA No. 146745/2021 - EXEMPTION FROM FILING O.T.)

Date : 30-10-2025 These matters were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Appellant(s) :
Mr. Viraraghavan Rama Krishnan, Sr.Adv.
Mr. N.C. Ashok Kumar, Adv.
Mr. B Karunakaran, Adv.
Ms. Pooja Lakshmi, Adv.
Mr. G. Nishanth, Adv.
Mr. Anoop Prakash Awasthi, AOR
Mr. Vivek Kr. Tripathi, Adv.
Mr. Rushikanta Dash, Adv.
Mr. Shubham Dubey, Adv.

For Respondent(s) :
Mr. Arvind Kumar Sharma, AOR (Not present)
Mr. Shailesh Madiyal, Adv. (N.P.)
Mr. Anmol Chandan, Adv. (N.P.)
Mr. Annirudh Sharma II, Adv. (N.P.)
Mr. Anuj Udupa, Adv. (N.P.)
Mr. Prashant Singh - I, Adv. (N.P.)
Mr. Sudharshan Lamba - AOR, (N.P.)

UPON hearing the counsel the Court made the following
O R D E R

1. The respondent – Registrar of the Companies, Tamil Nadu although served with the notice issued by this Court yet has chosen not to remain present before this Court and put forward its case.

2. We have a very peculiar situation to be taken care of as highlighted by the learned Senior counsel appearing for the appellant.

3. The appellant – herein is aggrieved by the order passed by the Registrar of the Companies, Tamil Nadu, Coimbatore striking off the name of the Company M/s. Shree Laxmi Spinners Private Limited from the Register of Companies vide order dated 31-8-2018 published in Govt. Gazette under Section 248(5) of the Act read with Rule 9 of the Companies (Removal of Names of Companies from the Register of Companies) Rules, 2016.

4. Being aggrieved by the order striking off the name, the appellant went before the National Company Law Tribunal, Chennai Bench.

5. The appeal before the NCLT failed vide order dated 5-5-2020. Thereafter, the matter was carried to the National Company Law Appellate Tribunal.

6. A split verdict was delivered by the NCLAT. One of the members took the view that striking off the name was not in accordance with law, whereas a contrary view was taken by another Member saying that the striking off was justified.

7. In such circumstances, the matter went before the third Member. The third Member took the view that the striking off the name of the Company was justified.

8. In such circumstance, referred to above, the appellant is here before us with the present appeal.

9. We heard Mr. Viraraghavan Rama Krishnan, the learned Senior counsel appearing for the appellant. Mr. Krishnan has manifold contentions to raise.

10. The principal argument of the learned Senior counsel is with regard to the correctness of the procedure being adopted by the NCLAT in the event there is a split verdict. According to him, the matter should not have been referred to a third Member, rather a bench of three Members should have been constituted and the matter should have been re-heard. According to him, there are no regulations framed by the NCLAT to take care of such a situation.

11. In such circumstance, referred to above, we solicit the assistance of the learned Solicitor General of India.

12. We request the learned Solicitor General of India to look into the matter and assist us on the next date of hearing.

13. The Registry is directed to provide one copy of this order to the learned Solicitor General at the earliest.

14. We also request the learned Senior counsel appearing for the appellant to bring it to the notice of the learned Solicitor General that his assistance is solicited by the Bench on the next date of hearing.

15. List on 19-11-2025.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)