
(2001) 11 AHC CK 0112
In the Allahabad High Court
Case No : Company Petition No. 41 of 1995

Thadani Leasing	Vs	APPELLANT
Allahabad Patrika Pvt. Ltd.		RESPONDENT

Date of Decision : 22-11-2001

Acts Referred:

Companies Act, 1956 — Section 10(1)

Citation : (2002) 111 CompCas 754

Hon'ble Judges : Sunil Ambwani, J

Bench : Single Bench

Advocate : Bharatji Agarwal, Senior Advocate and Piyush Agrawal, for the Respondent

Final Decision : Dismissed

Judgement

Sunil Ambwani, J.—This company petition was filed by M/s. Thadani Leasing, a partnership firm, carrying on their business at Mayfair Building, Mahatma Gandhi Road, Lucknow, having its registered office at 3, Nehru Road, Cantonment, Lucknow, as a creditor's winding up petition to wind up M/s. Allahabad Patrika Pvt. Ltd., New Delhi, of which the registered office was shown in the petition to be situate at Patrika House, 10, Admonston Road, Allahabad.

2. Notices were issued on February 5, 1996, giving opportunity to the company. A counter-affidavit of Sri Santosh Kumar Tiwari was filed. It appears that during the pendency of the winding up petition, some settlement was arrived at between the parties in pursuance of which some amount due was paid over by the respondent-company to the applicant-company. However, that settlement was not fully honoured and that still the entire debt has not been discharged. An Application No. 76952 of 2000 (A-12) was filed on September 10, 2000, stating that the company petition was not maintainable in the Allahabad High Court inasmuch as the registered office of the company as mentioned in the certificate of incorporation issued from registered office is situate at Calcutta. The Certificate of Incorporation No. 24117, annexed as annexure 1 to the affidavit

shows that the company was registered on January 31, 1959, under the Companies Act by the Registrar of Companies, West Bengal, and that memorandum of association shows that the registered office of the company is situate at Calcutta, of which the address has been given in para. 5 as "Bharat Bhawan, 3, Chitranjan Avenue, Calcutta". The applicant-company has not given any reply to this application. Section 10(1)(a) of the Companies Act, 1956, provides that the court having jurisdiction under the Companies Act, shall be the High Court having jurisdiction in relation to the place at which the registered office of the company concerned is situate. The company concerned in the present case is Allahabad Patrika (P.) Ltd., the registered office of which is situated at Calcutta, and as such the High Court at Calcutta had the jurisdiction to entertain the company petition. In respect of the same company a similar view was taken, in Company Petition No. 4 of 1999 which was dismissed by this court on December 27, 2000, as it was not maintainable at Allahabad.

3. This company petition is accordingly dismissed as not maintainable in the High Court at Allahabad.