

OD-11

APOT/91/2025
IA NO: GA/1/2025

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

KUSUM INTERNATIONAL GASES
LTD. AND ORS.

-VERSUS-

OFFICE OF THE REGISTRAR OF
COMPANIES AND ANR.

Appearance:

Mr. Jishnu Saha, Sr. Adv.
Mr. Anirban Ray, Sr. Adv.
Ms. Urmila Chakraborty, Adv.
Mr. Orijit Chatterjee, Adv.
Ms. Sabarni Mukherjee, Adv.
Mr. Shubham Raj, Adv.
...for the appellant.

Mr. Moti Sagar Tiwari, Adv.
Ms. Priti Jain, Adv.
...for the respondent.

BEFORE :
THE HON'BLE JUSTICE DEBANGSU BASAK
And
THE HON'BLE JUSTICE MD. SHABBAR RASHIDI
Date : 9th September, 2025.

The Court :- Learned senior advocate appearing for appellant draws the attention of the Court to the order dated September 2, 2025 passed in APOT/90/2025; IA No.GA/1/2025 and submits that, similar order may be passed in the present appeal.

Respondents are represented.

The adjudication order which was the subject-matter of challenge in the writ petition imposed penalty under Section 454(3) of the Companies Act, 2013 read with Rule 3 of the Companies (Adjudication of Penalties) Rules, 2014

as amended by the Companies (Adjudication of Penalties) Rules, 2019 for non-compliance of provision of Section 203(4) of the Companies Act, 2013 read with Rule 8 of the Companies (Appointment and Remuneration of Managerial Personnel) Rules, 2014 and imposed a penalty of Rs.20 lakhs on the appellant.

Learned senior advocate appearing for the appellant submits that, the appellants are ready and willing to deposit such amount akin to the directions passed on September 2, 2025 in APOT/90/2025; IA No.GA/1/2025.

In such circumstances, appellant will deposit the sum of Rs.20 lakhs with the Registrar, Original Side within three weeks from date. Registrar, Original Side shall keep the same in a fixed deposit with any nationalized bank earning interest and will renew the same from time to time until further orders.

There will be an unconditional stay of the order of adjudication for a period of three weeks from date. In the event of failure to deposit the same as directed herein, the respondent will be at liberty to realize the same from the appellant.

The appellant will prepare an informal paper book including all papers used before the learned Single Judge within three weeks from date.

List the appeal on October 28, 2025.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)