

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

Petition(s) for Special Leave to Appeal (Crl.) No. 901-903/2002

(From the judgement and order dated 15/03/2001 in CRL M (M) No.319/89 and order dated 11.10.2001 in Crl.M.No.4790/2001, Crl.M.No.4791/2001 in Crl.M.(M) No.319/89 of The HIGH COURT OF DELHI AT N. DELHI)

M/S. BHARAT NIDHI LTD.

Petitioner (s)

VERSUS

REGISTRAR OF COMPANIES

Respondent (s)

( With Appln(s). for c/delay in filing SLP and stay and exemption from filing c/c of the impugned Judgment ) ( With Office Report )  
(for final disposal)

Date : 06/09/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH  
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner (s)

Dr.A.M. Singhvi,Sr.Adv.,  
Mr. K.V.Mohan,Adv.  
Mr.Krishendu Datta,Adv.,  
Mr. Manish Srivastava,Adv.

For Respondent (s)

Mr.P.P. Malhotra,Sr.Adv.  
Mr.Alka Agrawal,Adv.,  
Mr.S.N.Terdal,Adv.

UPON hearing counsel the Court made the following

O R D E R

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Delay condoned.

Heard the learned counsel for the parties.  
Considering the contentions raised by the petitioner if petitioner files proper application for discharge, the trial court would consider the same after taking into consideration Section 205-A of the Companies Act both prior and after amendment and the decision rendered by this Court in H.P Gupta vs. Hiralal { (1970) 1 SCC 437 } uninfluenced@  
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by the judgment and order passed by the High Court. If petitioner files an application for exemption from personal appearance, the trial court would grant the same on a condition that the counsel of the petitioner would remain present on each date of posting. On his failure to remain

present, it would be open to the trial court to issue summons or bailable warrant to the petitioner. The special leave petitions stand disposed of accordingly.

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(Vijay Kumar Sharma)  
Court Master

(Janki Bhatia)  
Court Master