

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

THURSDAY, THE 30TH DAY OF MAY 2024 / 9TH JYAISHTA, 1946

WP(C) NO. 42092 OF 2023

PETITIONER:

**SHONE GEORGE
AGED 41 YEARS
S/O PC GEORGE, PLATHOTTAM, ARUVITHARA P.O,
ERATTUPETTA, KOTTAYAM, PIN - 686122.**

**BY ADVS.
MARIYA RAJAN
SHINU J.PILLAI
S.SUJA
AISWARYA JAMES
NESMEL DIVAN
DIYA BIJOY
SWETHA ELIZABETH SABOR**

RESPONDENTS:

- 1 MINISTRY OF CORPORATE AFFAIRS
OFFICE OF DIRECTOR GENERAL OF CORPORATE AFFAIRS,
KOTA HOUSE ANNEXE 1, SHAHJAHAN ROAD, NEW DELHI,
REPRESENTED BY ITS JOINT DIRECTOR, PIN - 110011.**
- 2 THE DIRECTOR, SERIOUS FRAUD INVESTIGATION OFFICE
CGO COMPLEX, LODHI ROAD, PRAGATI VIHAR, NEW DELHI,
PIN - 110003.**
- 3 M/S COCHIN MINERALS AND RUTILE LTD
HAVING ITS REGISTERED OFFICE AT VIII/224, P.B. NO.
73, MARKET ROAD, ALWAYS, ERNAKULAM, KERALA,
REPRESENTED BY ITS MANAGING DIRECTOR, PIN - 683101.**
- 4 KERALA STATE INDUSTRIAL DEVELOPMENT CORPORATION LTD
HAVING ITS REGISTERED OFFICE AT TC 11/266, 1 KESTON
ROAD, KOWDIAR, TRIVANDRUM, KERALA, REPRESENTED BY
ITS MANAGING DIRECTOR, PIN - 695003.**
- 5 M/S EXALOGIC SOLUTIONS PRIVATE LIMITED
HAVING ITS REGISTERED OFFICE AT NO.343, 9TH MAIN
ROAD, HSR LAYOUT SECTOR-7, BANGALORE, KARNATAKA,
REPRESENTED BY ITS DIRECTOR, PIN - 560102.**
- 6 MRS. VEENA THAIKKANDIYIL
AGED 40 YEARS
D/O PINARAYI VIJAYAN, DIRECTOR, EXALOGIC SOLUTIONS
PRIVATE LIMITED, HAVING ADDRESS AT AKG CENTRE
PALAYAM, THIRUVANANTHAPURAM, KERALA, PIN - 695034.**

7 MR. PINARAYI VIJAYAN
 AGED 78 YEARS
 S/O MUNDAYIL KORAN, CHIEF MINISTER OF KERALA,
 HAVING ADDRESS AT 3RD FLOOR, NORTH BLOCK,
 GOVERNMENT SECRETARIAT THIRUVANANTHAPURAM, KERALA,
 PIN - 695001.

BY ADVS.
R.V.SREEJITH, SCGC
GOPIKRISHNAN NAMBIAR M
P.U.SHAILAJAN
K.JOHN MATHAI(K/413/1984)
JOSON MANAVALAN(J-526)
KURRYAN THOMAS(K/131/2003)
PAULOSE C. ABRAHAM(MAH/58/2006)
RAJA KANNAN(K/356/2008)
PRANOY HARILAL(K/931/2018)

SRI.ARAVIND KAMAT (ADDL.SOLICITOR GENERAL)
SRI.V.GIREESH KUMAR, CGC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30.05.2024, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

T.R.RAVI.J

WP(C) No.42092 of 2023

Dated this the 30th day of May, 2024

JUDGMENT

The prayer in this writ petition is for a direction to the respondents 1 and 2 to investigate the affairs of respondents 3 to 5 under Section 210(2) of the Companies Act, 2013. There is also a prayer for a direction to respondents 1 and 2 to take steps under Section 212(14-A) of the Companies Act for the disgorgement of all the assets/properties/cash misappropriated from the 3rd respondent Company. As far as the first prayer is concerned, it is admitted that orders have already been issued regarding the investigation. The first prayer has hence become infructuous. As far as the second prayer is concerned, the prayer has relevance only after the enquiry is over and a decision regarding misappropriation is arrived at.

In the above circumstances, this writ petition is closed

without prejudice to the right of the petitioner to move the Court after the investigation, that has already been ordered is completed or at any appropriate stage.

Sd/-

T.R.RAVI
JUDGE

mpm

APPENDIX OF WP(C) 42092/2023

PETITIONER'S EXHIBITS

Exhibit P1	THE TRUE COPY OF THE ORDER DATED 12.06.2023 PASSED BY THE INTERIM BOARD FOR SETTLEMENT- II, NEW DELHI.
Exhibit P2	THE TRUE COPY OF THE MASTER DATA OF THE 5TH RESPONDENT COMPANY.
Exhibit P3	TRUE COPY OF FORM NO. INC-3 FILED BY MRS. KAMALA THAIKKANDIYIL.
Exhibit P4	TRUE COPY OF THE ANNUAL REPORT SUBMITTED BY THE 3RD RESPONDENT COMPANY FOR THE YEAR 2016-2017.
Exhibit P5	TRUE COPY OF THE ANNUAL REPORT SUBMITTED BY THE 3RD RESPONDENT COMPANY FOR THE YEAR 2017-2018.
Exhibit P6	TRUE COPY OF THE ANNUAL REPORT SUBMITTED BY THE 3RD RESPONDENT COMPANY FOR THE YEAR 2018-2019.
Exhibit P7	TRUE COPY OF THE ANNUAL REPORT SUBMITTED BY THE 3RD RESPONDENT COMPANY FOR THE YEAR 2020-2021.
Exhibit P8	TRUE COPY OF THE ANNUAL REPORT SUBMITTED BY THE 3RD RESPONDENT COMPANY FOR THE YEAR 2021-2022.
Exhibit P9	TRUE COPY OF THE ANNUAL REPORT SUBMITTED BY THE 3RD RESPONDENT COMPANY FOR THE YEAR 2022-2023.
Exhibit P10	TRUE COPY OF THE PETITION DATED 25.09.2023 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
Exhibit P11	TRUE COPY OF THE LETTER NUMBER: CL-II-03/569/2023-0/0 DGCOA- MCA DATED 31.10.2023 ISSUED BY THE 1ST RESPONDENT.
Exhibit P12	THE TRUE COPY OF THE REPLY/ CLARIFICATION LETTER DATED 08.11.2023 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT.
Exhibit P13	A TRUE COPY OF THE SHOW CAUSE NOTICE DATED 21.12.2023 ISSUED BY THE REGISTRAR OF COMPANIES, KERALA TO THE 3RD RESPONDENT.

- Exhibit P14 A TRUE COPY OF THE SHOW CAUSE NOTICE DATED 21.12.2023 ISSUED BY THE REGISTRAR OF COMPANIES, KERALA TO THE 4TH RESPONDENT.
- Exhibit P15 A TRUE COPY OF THE COMPLAINT DATED 04.01.2024 FILED BY THE PETITIONER BEFORE THE REGISTRAR OF COMPANIES.
- Exhibit P16 A TRUE COPY OF THE GOVERNMENT ORDER VIDE F.NO.1/1/2019-M.VI DATED 01.03.2019 ISSUED BY THE MINISTRY OF MINES.
- Exhibit P17 A TRUE COPY OF THE G.O.(MS)NO.87/2023/ID DATED 18.12.2023 ISSUED BY THE INDUSTRIES (A) DEPARTMENT.
- Exhibit P18 A TRUE COPY OF THE G.O(MS) NO.91/2023/ID DATED 27.12..2023 ISSUED BY THE INDUSTRIES DEPARTMENT
- Exhibit P19 A TRUE COPY OF THE G.O.(RT) NO. 385/2019/WRD DATED 31.05.2019 ISSUED BY THE WATER RESOURCES DEPARTMENT.
- Exhibit P20 A TRUE COPY OF THE EXTRACT OF PROCEEDINGS OF THE 3RD INTERNATIONAL CONFERENCE ON ENVIRONMENT AND HEALTH CHENNAI, INDIA WITH RESPECT TO THE KARIMANAL (MINERAL BEACH SAND) MINING IN THE ALAPPUZHA COST OF KERALA - A PEOPLES PERSPECTIVE.
- Exhibit P21 TRUE COPY OF THE LETTER NO: ROC(K)/COMP./PC-03/COCHIN MINERALS/36/2024 DATED 05.01.2024 FORWARDED BY THE REGISTRAR OF COMPANIES KERALA TO THE PETITIONER ALONG WITH THE REPLY SUBMITTED BY THE 3RD RESPONDENT.
- Exhibit P22 TRUE COPY OF THE LETTER NO: ROC(K)/COMP./PC-03/KERALA STATE/35/2024 DATED 05.01.2024 FORWARDED BY THE REGISTRAR OF COMPANIES KERALA TO THE PETITIONER ALONG WITH THE REPLY SUBMITTED BY THE 4TH RESPONDENT.
- Exhibit P23 TRUE COPY OF THE RESPONSE LETTER DATED 08.01.2024 SUBMITTED BY THE PETITIONER BEFORE THE REGISTRAR OF COMPANIES KERALA.
- Exhibit P24 TRUE COPY OF THE RESPONSE LETTER DATED 08.01.2024 SUBMITTED BY THE PETITIONER BEFORE THE REGISTRAR OF COMPANIES KERALA.

Exhibit P25	TRUE COPY OF THE ADDITIONAL INFORMATION DATED 23.01.2024 SUBMITTED BY THE APPLICANT BEFORE THE 1ST RESPONDENT.
Exhibit P26	TRUE COPY OF THE ADDITIONAL INFORMATION DATED 15.02.2024 SUBMITTED BY THE APPLICANT BEFORE THE 1ST RESPONDENT.
Exhibit P27	TRUE COPY OF THE JUDGMENT DATED 16.02.2024 IN W.P. NO. 4268/2024 BY THE HON'BLE HIGH COURT OF KARNATAKA.
Exhibit P28	TRUE COPY OF THE ADDITIONAL INFORMATION FILED BY THE APPLICANT BEFORE THE 1ST & 2ND RESPONDENT DATED 27.05.2024.

RESPONDENTS' EXHIBITS

EXHIBIT R2	TRUE COPY OF THE INVESTIGATION ORDER NO.CL-II-17/39/2023-0/0. DGCOA-MCA DATED 31.01.2024.
Exhibit R3 (a)	TRUE COPY OF THE ORDER DATED 31.01.2024 UNDER SECTION 212(1) AND (4), COMPANIES ACT, 2013 PASSED BY RESPONDENT NO.2.
Exhibit R3 (b)	TRUE COPY OF THE ORDER DATED 16.04.2024 PASSED BY THE HON'BLE HIGH COURT OF DELHI IN W.P. (CRL.) NO. 1188 OF 2024.
Exhibit R3 (c)	TRUE COPY OF THE IMPLEADMENT APPLICATION DATED 22.05.2024 FILED BY THE PETITIONER IN W.P. (CRL.) NO. 1188 OF 2024 BEFORE THE HON'BLE HIGH COURT OF DELHI.