

In Re: Ramackers and Co. Ltd.

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Court : Kolkata

Decided On : Jan-31-1929

Reported in : AIR1930Cal146,122Ind.Cas.214

Judge : Lort-Williams, J.

Appellant : In Re: Ramackers and Co. Ltd.

Judgement :

ORDER

Lort-Williams, J.

1. In my opinion, the right construction of Section 104, Companies Act is that the Registrar of Joint Stock Companies should file the documents therein referred to when presented, in spite of the fact that they have not been presented for filing within the month specified, and that he should inform the officer of the company, who presents the document for filing, that, unless, within a time to be specified by the Registrar, the applicant obtains relief from the Court, he (the Registrar) will take steps to prosecute him for his default. The effect of accepting and filing the document is not to relieve the person in default from the liability imposed by the section, unless he obtains relief from the Court for the whole period during which he was in default, with an order extending the time for filing up to the time when he actually did file the documents.

2. With regard to the facts of this particular case, I am satisfied from the affidavits that, up to June 1927, this applicant was not aware of the provisions of the law, although that is not a reason for which the Court will necessarily give relief, and I am satisfied also that, at that time, he was informed by the Registrar that the documents could not be filed until he had obtained relief from the Court. I am not sure that I ought to give him relief for the whole of the intervening period from June 1927, up to date, because, having been informed that it was necessary for him to obtain relief from the Court before he could file this document, he took no step to obtain that relief for a considerable period. However, in all the circumstances, I think I am justified in granting relief. Therefore, the time for filing these documents will be extended until the 14th February 1929.

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