



2024:KER:26534

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 4TH DAY OF APRIL 2024 / 15TH CHAITHRA, 1946

WP(C) NO. 27278 OF 2018

PETITIONERS:

- 1 JAISON JACOB,
AGED 46 YEARS,
S/O.JACOB, VATTUKUNNEL HOUSE, RAMAPURAM P.O., PALA,
KOTTAYAM-686 591.**
- 2 SINCHU JAISON,
AGED 43 YEARS,
W/O.JAISON JACOB, VATTUKUNNEL HOUSE, RAMAPURAM P.O.,
PALA, KOTTAYAM-686 576.
BY ADV SRI.BIJU ABRAHAM**

RESPONDENTS:

- 1 THE REGISTRAR OF COMPANIES,
BMC ROAD, THRIKKAKARA P.O., KAKKANAD, KOCHI-682 021.**
- 2 THE SECURITIES AND EXCHANGE BOARD OF INDIA,
6TH FLOOR, FINANCE TOWER, KALOOR, KOCHI - 682017,
REPRESENTED BY ITS CHAIRMAN.**
- 3 SECURITIES & EXCHANGE BOARD OF INDIA,
PLOT NO. CA-A, G-BLOCK, BANDRA KURLA COMPLEX, BANDRA
EAST, MUMBAI-400 051, REPRESENTED BY ITS CHAIRMAN.**
- 4 M/S.CELEBRUS COMMODITIES LIMITED,
27/540, 3RD FLOOR, EAK TOWERS, MAIN AVENUE, PANAMPILLY
NAGAR, KOCHI-682 036, REPRESENTED BY ITS AUTHORIZED
REPRESENTATIVE SRI.MADHUSUDHANAN E.P.**
- 5 COMMODITY ONLINE INDIA LIMITED,
27/540, 3RD FLOOR, EAK TOWERS, MAIN AVENUE, PANAMPILLY
NAGAR, KOCHI, KERALA, INDIA-682 036.**
- 6 ACUMEN GROUP OF COMPANIES,
VEEKSHANAM ROAD, KACHERIPADY, ERNAKULAM-682 018,
REP.BY ITS MANAGING DIRECTOR AKSHAY AGARWAL.
BY ADVS.
SRI.K.M.JAMALUDHEEN
SRI.K.JAJU BABU (SR.)
SRI.JOSEPH SEBASTIAN PURAYIDAM
SRI.BINOY DAVIS, GP**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
04.04.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**JUDGMENT**

This writ petition has been filed seeking the following relief:-

“The Hon’ble Court may be pleased to call for the records relating to the petitioners’ grievance and may pleased to issue a writ of mandamus or any other appropriate writ order or direction commanding the respondents 1 to 3 not to effect any kind of transfer of the assets of respondents 4 & 5 with any other company including 6th respondent or allow any kind of amalgamation of 4th and 5th respondent with 6th respondent or any other company till the claim of the petitioners are settled.”

2. The learned counsel appearing for respondents 2 and 3 would draw my attention to the averments in the counter affidavit filed by respondents 2 and 3 and would submit that the petitioners have already filed company petitions as Company Petition Nos.21/2016 and 22/2016 before this Court projecting the very same grievances as raised in this writ petition. It is also pointed out that the claim of the petitioners have been already referred for Arbitration in terms of the bye laws of the Multi Commodity Exchange of India Limited and those proceedings



were dismissed by the two orders dated 16.05.2016. The orders are also on record as Exhibits R-2(a) and R-2(b). It is pointed out that it is for the petitioners to work out their remedies against the said orders if they are aggrieved by the same.

3. Taking into consideration of the averments in the counter affidavit filed by respondents 2 and 3, I am of the opinion that the relief sought for in this writ petition cannot be granted. Therefore, considering the fact that the petitioners are already before this Court / National Company Law Tribunal by filing Company Petition Nos.21/2016 and 22/2016 and also considering the fact that their complaints were referred for Arbitration and have been disposed of by Exhibits R-2(a) and R-2(b) orders, the writ petition is dismissed, leaving open all contentions taken by the petitioners to be urged in appropriate proceedings.

Sd/-
GOPINATH P.
JUDGE

DK



APPENDIX OF WP(C) 27278/2018

PETITIONER EXHIBITS

EXHIBIT P1 **A TRUE COPY OF THE LETTER DATED 23/6/2018 SENT BY THE PETITIONERS TO THE 1ST AND 2ND RESPONDENTS WITH COPY TO THE 3RD RESPONDENT**

RESPONDENT EXHIBITS

EXHIBIT R2(A) **TRUE COPY OF ARBITRATION ORDER DATED 16.05.2016 BEARING MCX/ARB/3269A/15(SINDHU JAISON V.CELEBRUS COMMODITIES LIMITED)**

EXHIBIT R2(B) **TRUE COPY OF THE ARBITRATION ORDER DATED 16.05.2016 BEARING MCS/ARB/3311A/15 (CELEBRUS COMMODITIES LIMITED VS. JAISON JACOB)**

EXHIBIT R2(C) **TRUE COPY OF THE COMPLAINT OF THE 1ST PETITIONER DATED 2-11-2015 TO THE 3RD RESPONDENT**

EXHIBIT R2(D) **TRUE COPY OF THE COMPLAINT OF THE 2ND PETITIONER DATED 20.12.2015 TO THE 3RD RESPONDENT**

EXHIBIT R2(E) **TRUE COPY OF THE ORDER OF THE 3RD RESPONDENT.**