

ORDER

The present petition has been filed by the Registrar of Companies, Jammu & Kashmir and Ladakh ("Petitioner" / "ROC") under Sections 271(b) and 272 of the Companies Act, 2013 ("the Act"), inter alia, seeking the following interim reliefs:

“i) admission of the petition and issuance of directions for its advertisement under Rule 5 of the Companies (Winding Up) Rules, 2020;

(ii) appointment of the Official Liquidator attached to the High Court of Jammu & Kashmir and Ladakh as Provisional Liquidator under Section 273(1)(c) of the Act to take charge of the affairs, business, assets, documents, and books of account of the Respondent Company;

(iii) direction to the Respondent Company and its Directors/Officers to furnish a Statement of Affairs regarding its properties and assets; and

(iv) restraint upon the Respondent Company and its Directors/Officers from disposing of any assets or properties pending the final disposal of the petition.”

The main relief in the Petition is for winding up of the Respondent Company under Section 271(b) of the Act.

FACTS

2. The Respondent is a Company incorporated under Section 8 of the Act on 18.04.2025, having its Registered Office at Hillow Imamsahib, Shopian, Pulwama, Jammu & Kashmir – 192303, with an authorised capital of Rs. 1,00,000/-, ostensibly for charitable and non-profit objectives including establishment of educational institutions, social welfare, child protection, and youth welfare, as stated in its Memorandum of Association.

3. During the course of hearing on 22.05.2026, Mr. Sushant Kareer, the Ld. Standing Counsel for the Union of India (UOI), appeared and explained the case and also tendered to the Court Officer a sealed cover bearing DGCOA-Diary No. 1232, dated 09.03.2026, containing intelligence inputs received from the Criminal Investigation Department (CID), Jammu & Kashmir. Upon hearing the case, this Bench reserved the matter for orders on the interim reliefs.

4. The genesis of this Petition lies in a report bearing No. CID/TMG/D-3/2026/244-47, dated 06.03.2026, prepared by the CID, Jammu & Kashmir, which flagged the activities of the Respondent Company as fraudulent, violative of its stated objects, and prejudicial to the sovereignty and integrity of India. Upon receipt of the said report, the Director General of Company Affairs, Ministry of Corporate Affairs (MCA), vide letter bearing File No. CL-II-08/13/2026-O/o DGCoA-MCA, dated 23.03.2026, annexed as Annexure C-1 to the Petition, directed the Regional Director (NR-II), Chandigarh, to initiate proceedings under Section 272 of the Act and further directed that appropriate steps be taken for the freezing and attachment of the assets of all Directors and Key Managerial Personnel (KMPs) under the applicable provisions of the Act.

5. Pursuant to the MCA directive dated 23.03.2026, the Regional Director, Chandigarh, issued a Show Cause Notice dated 25.03.2026, annexed to the Petition at Annexure D, upon the Respondent Company and its Directors under Section 271(b) read with Section 272(3) of the Act, alleging anti-national activities, secessionist activities, and activities

threatening national security, and affording fourteen days to respond. The statutory mandate of providing a reasonable opportunity of making representations under the proviso to Section 272(3) of the Act was thereby duly fulfilled.

6. The Respondent filed a representation on 06.04.2026, annexed to the Petition at Annexure E; however, it was filed not in the name of the Respondent Company but in the name of a different entity, "Jamia Siraj-Ul-Aloom Welfare Foundation". In a revised representation transmitted by e-mail dated 17.04.2026, annexed to the Petition at Annexure G, the Managing Director, Mr. M. Yousuf Mantoo, purportedly corrected the nomenclature but in doing so made a critical admission, namely, that the institution is run through the Section 8 Company but all records and activities are deliberately maintained in the name of the older trust "Jamia Siraj-Ul-Uloom". This admission directly confirms the deliberate commingling and obfuscation of the identities of the multiple entities operated by the same persons to evade regulatory scrutiny.

7. The Regional Director, upon finding both representations unsatisfactory and devoid of any documentary rebuttal of the CID findings, rejected the same vide e-mail dated 07.04.2026, annexed to the Petition at Annexure F, and accorded formal sanction to the ROC J&K on 07.04.2026 to file the present winding-up Petition.

8. The Divisional Commissioner, Kashmir, vide Order dated 24.04.2026, after affording the Chairman of the institution an opportunity of being heard and considering the objections filed through Show Cause Notice dated 31.03.2026, dismissed the reply of the

Respondent as "misconceived, factually untenable, and devoid of legal merit". Further, the Divisional Commissioner, Kashmir officially notified the premises of Darul Uloom Jamia Siraj-ul-Uloom, Imam Sahib, Shopian as an Unlawful Entity/Place under the UAPA, 1967.

ANALYSIS AND FINDINGS

9. We have heard the Ld. Standing Counsel for the Union of India and carefully perused the Petition, the sealed cover (DGCOA-Diary No. 1232, dated 09.03.2026), the UAPA notification order dated 24.04.2026 and other material available on record. Upon such perusal, we are prima facie satisfied that the Respondent Company has been used as a vehicle for activities prejudicial to the sovereignty, security, and integrity of India.

10. The material on record prima facie establishes that the Respondent Company was incorporated on 18.04.2025 immediately following the denial of security clearance to the institution in its prior avatars, with actual management continuing to vest covertly in Mr. Mohammad Yousuf Mantoo, a JEI member, notwithstanding his nominal replacement as Chairman in 2019.

11. On the basis of the entirety of the material available on record, we are prima facie satisfied that a case under Section 271(b) of the Act is made out against the Respondent Company.

12. The material on record collectively demonstrates that unless immediate interim protection is granted, there is a grave and real risk of dissipation of assets, destruction of records, and continued misuse of

the Respondent Company's infrastructure for activities prejudicial to national security. The balance of convenience lies with the State.

13. In view of the above discussion and circumstances of the case, we grant the following interim reliefs:

- (i) Petitioner is directed to advertise this petition in terms of Rule 5 of the Companies (Winding Up) Rules, 2020 read with Section 273(1)(b) of the Act, in one English-language national daily newspaper "Greater Kashmir" and one Urdu-language daily newspaper "Kashmir Uzma" with wide circulation in the Union Territory of Jammu & Kashmir, within 15 (fifteen) days from the date of this Order.
- (ii) Having regard to the entirety of the material on record and the findings recorded hereinabove, we are of the considered opinion that the present case is attended by special reasons of an exceptional and compelling nature and therefore, we, under the proviso to Section 273(1)(c) of the Act, dispense with advance notice to the Respondent Company.
- (iii) The Official Liquidator attached to the High Court of Jammu & Kashmir and Ladakh (hereinafter, "Provisional Liquidator") is appointed as the Provisional Liquidator of M/s. Siraj-Ul-Uloom Welfare Foundation (CIN: U88900JK2025NPL017303), with immediate effect and until the making of a winding-up order or until further orders of this Bench, whichever is earlier. The Provisional Liquidator shall forthwith take charge of all affairs, business, movable and immovable assets, bank accounts, books

of account, financial records, and documents of the Respondent Company, including records maintained in the name of the associated trust and society entities given the admitted commingling, and shall ensure that no alienation, encumbrance, or dealing in respect of any property of the Respondent Company takes place without the leave of this Bench. The Provisional Liquidator shall file a preliminary inventory of all assets and liabilities before this Bench within 60 (sixty) days.

- (iv) The Respondent Company and its Directors and Officers are directed to furnish a complete Statement of Affairs as to the properties, assets, debts, liabilities, and affairs of the Respondent Company, duly verified on affidavit, to the Provisional Liquidator within 30 (thirty) days from the date of service of this Order. The Respondent Company and all its Directors, Officers, and persons acting on their behalf are hereby restrained from in any manner selling, transferring, alienating, encumbering, or otherwise disposing of any assets, properties, or funds of the Respondent Company pending the final disposal of the petition, except with the prior leave of this Bench.

14. The Designated Registrar of this Tribunal is directed to comply with the provisions of Section 277 of the Companies Act, 2013 in view of the orders passed above and shall intimate the Provisional Liquidator of such appointment forthwith.

15. The Petitioner-ROC is directed to serve a copy of this Order upon the Respondent Company at its Registered Office, upon the Provisional Liquidator, and upon the Directors of the Respondent Company within 7 (seven) days from the date of this Order.

16. Compliance of the above directions shall be reported to this Tribunal on 03.07.2026.

17. Issue notice in **CP No. 41/Chd/J&K/2026** to the Respondent Company. Reply, if any, to the Petition be filed within one week from the date of service of notice, with an advance copy to the learned counsel for the Petitioner. Rejoinder, if any, be filed within one week thereafter.

18. List the matter for further hearing on 13.07.2026 in the Supplementary List.

Sd/-
(SHISHIR AGARWAL)
MEMBER (TECHNICAL)
Yuvraj

Sd/-
(KHETRABASI BISWAL)
MEMBER (JUDICIAL)