

the provisions of section 58A(5) of the Companies Act, 1956 while deciding the cases.

(e) There is no provision in the Companies Act enabling Government to compel companies to repay such deposits on maturity. Any failure to repay deposits by a company gives rise to a civil claim to the depositor who can seek appropriate remedy through a court of law. However, some recommendations made by the High Powered Expert Committee on this subject are presently under consideration of Government for affording better protection to the legitimate interests of depositors.

#### Show-cause Notice to Companies for Non-Registration under MRTP Act

3923. SHRI R. PRABHU: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that the Department of Company Affairs have issued show-cause notice to several companies for their failure to register under the provisions of the MRTP Act;

(b) the names of companies to whom such show-cause notices have been issued indicating the dates on which such notices were issued;

(c) whether it is also a fact that such notices were pending for several years undecided in many cases; and

(d) if so, what measures the Department propose to adopt to streamline the procedure in this regard?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKAR): (a) to (c). A statement giving names of undertakings and date of issue of default notices (referred to as show-cause notices in the Question) with regard to registration under Section 26 of the MRTP Act as on 31st December, 1980 is laid on the Table of the House. [Placed in Library. See No. LT-2125/81].

(d) Wherever it appears to the Government, on the basis of the available information that Section 20 of the

MRTP Act is *prima-facie* applicable to an undertaking which has not registered itself under section 26 of the MRTP Act, a default notice though not mandatory is issued to it advising it to comply with the provisions of the Act. This is done so as to enable the undertakings to comply with the law. In reply to such notices, the concerned undertakings many times contest the basis of the facts relied upon by the Department and in other cases, they raise intricate questions of facts and law and interpretation of various provisions relating to interconnection, manner of computation of assets and certain other expressions used in the Act which require careful examination. Many parties take recourse to legal proceedings in various High Courts, and even Supreme Court of India. The examination of representations by the Companies sometimes involves collection and analysis of voluminous data relating to the shareholding pattern, management structuring, and other general functioning. Then again all such companies have to be given an opportunity for personal bearing in keeping with the principles of natural justice. All these factors contribute to delays. Even so, the procedures and functioning of the Department are constantly under review with a view to improve its efficiency.

#### गुजरात में तीसरा गैस-आधारित उर्वरक संयंत्र स्थापित करना

3924. श्री छोटू भाई गामित :

श्री मोती भाई आर० चौधरी :

क्या पेट्रोस्विम, रसायन और उर्वरक मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि गुजरात सरकार ने राज्य में एक गैस-आधारित उर्वरक कारखाना स्थापित करने के लिए केन्द्र सरकार से अनुरोध किया है;

(ख) यदि हाँ, तो उक्त प्रस्ताव पर भारत सरकार की क्या प्रतिक्रिया है और तत्सम्बन्धी व्यौरा क्या है ;