

\$~25

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 9461/2017

SONALI BHAGWATI DALAL AND ANR. Petitioners

Through: Ms Mohna M. Lal, Advocate.

versus

UNION OF INDIA AND ORS. Respondents

Through: Ms Anumita Chandra, proxy counsel
for Mr Sanjeev Narula, CGSC for
UI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **02.02.2018**

CM No. 2294/2018

1. The learned counsel appearing for the petitioners states that although the petition had been withdrawn on 19.12.2017, the DIN Number of the petitioners has not been activated since the company in question - M/s Fade to Black Design - of which they were the Directors has been struck off from the Register of Companies.

2. Ms Mohna, the learned counsel appearing for the petitioners submits that in the circumstances, the petitioners would seek to revive the said company and file an appeal before the National Company Law Tribunal (hereafter "NCLT") under Section 252 of the Companies Act, 2013. She also referred to an order dated 20.12.2017 of this Court in ***Ramni Nirula v.***

Union of India and Ors.: W.P.(C) 9096/2017 and request that the order passed on 20.12.2017 in this petition be recalled and a similar order be passed.

3. In view of the above, the order dated 20.12.2017 is recalled.

4. The application is disposed of.

W.P.(C) 9461/2017

5. It is directed that in the event the petitioners / (or the company in question) files an appeal under Section 252 of the Act before the NCLT within a period of four weeks from today, the petitioners would be entitled to avail of CODS-2018 provided that the name of the company is restored on the Register.

6. In the event, such an appeal is filed, NCLT is requested to dispose of the same as expeditiously as possible given that the CODS-2018 is only available till 31.03.2018. Notwithstanding, the above, it is clarified that in the event the NCLT is unable to dispose of the appeal within the time as requested for the reasons that are not attributable to the petitioners, the respondents shall ensure that the Scheme under CODS-2018 is extended in respect of the petitioners in order for the petitioners to avail of the same. In other words, the petitioners would not be deprived of the opportunity to avail the CODS-2018 only on account of pendency of the appeal before NCLT.

7. In view of the above directions, the learned counsel for the petitioners seeks to withdraw the present petition with liberty to file an appropriate

application under COPS-2018 and an appeal before the NCLT.

8. In view of the COPS-2018, the impugned list to the extent it includes the names of the petitioners is stayed till 31.03.2018.

9. The petition along with application is dismissed as withdrawn.

FEBRUARY 02, 2018
RK

VIBHU BAKHRU, J