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

+ **W.P.(C) 9723/2017 & CM 39561/2017**

SANJAY KHANNA & ANR

..... Petitioners

Through Mr Ashish Middha, Advocate.

versus

MINISTRY OF CORPORATE AFFAIRS AND ANR..... Respondent

Through Mr Sanjay Jain, ASG with Ms Ripu

Daman Bhardwaj, CGSC with Mr T.p. Singh.

Mr Dev P. Bhardwaj, CGSC for UOI.

Mr Sanjay Shorey, Joint Director Legal Ministry

of Corporate Affairs and Sh Raesh K. Tiwari,

ROC, NCT of Delhi & Haryana MCA for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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19.12.2017

1. Learned counsel for the petitioner seeks to withdraw the present petition with liberty to avail of the Condonation of Delay Scheme, 2018 (CODS-2018). He however requests that paragraph 6 of the CODS-2018 be clarified.

2. Paragraph 6 of the CODS-2018 provides that the scheme is without prejudice to any action under Section 167 (2) of the Companies Act, 2013 or any Civil or Criminal liabilities, if any, of such disqualified directors during the period they remained disqualified. Mr Sanjay Jain Learned ASG clarifies, on instructions, that this provision would be applicable only in respect of those directors who do not avail of the CODS-2018. He states that

this is amply clarified by the opening sentence of paragraph 6, which expressly indicates that that the Registrar will withdraw prosecution(s) for all documents filed under the scheme. Thus, the question of instituting fresh prosecution against those disqualified directors who avail of the CODS-2018 does not arise.

3. The petition and pending application are dismissed as withdrawn.

VIBHU BAKHRU, J

DECEMBER 19, 2017

pkv