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

+ **W.P.(C) 10639/2017**

MAHESH OCHANI AND ORS.

..... Petitioners

Through Mr Amit Swami, Advocate.

versus

THE REGISTRAR OF COMPANIES AND ANR. Respondents

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 petitioners seeks to withdraw the present petition with liberty to avail of the Condonation of Delay Scheme, 2018 (CODS-2018).
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. In the event the petitioners have not fulfilled the requisite compliances, the petitioners may do so in terms of the aforesaid scheme. However, if the petitioners have already made the necessary filings, the petitioners are at liberty to avail of the CODS-2018 by paying the necessary charges and by making the necessary applications.

4. The petition and pending application are dismissed as withdrawn with the aforesaid clarification.

VIBHU BAKHRU, J

DECEMBER 19, 2017

pkv