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

+ **W.P.(C) 10713/2017 & CM 43884/2017**

RAJIV KUMAR CHUGH

..... Petitioner

Through Mr Ankur Garg, Advocate.

versus

UNION OF INDIA AND ANR.

..... Respondent

Through Mr Sanjay Jain, ASG with Ms Ripu
Daman Bhardwaj, CGSC with Mr T.p. Singh.

Mr Dev P. B hardwaj, CGSC for UOI.

Mr Sanjay Shorey, Joint Direrctor 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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20.12.2017

1. The petitioner has filed the present petition, *inter alia*, impugning the list of disqualified directors as published on the website to the extent it includes the petitioner's name.
2. The learned counsel for the petitioner unequivocally states that the petitioner seeks to avail of the Condonation of Delay Scheme, 2018 (CODS-2018) however is unable to do so since the company in question M/s 4 Fresh Real Estate Private Limited, has also been removed from the Register of Companies.
3. Mr Sanjay Jain, learned ASG points out that the petitioner has an

alternate remedy of approaching the National Company Law Tribunal (NCLT) under Section 252 of the Companies Act, 2013 (hereafter 'the Act'). He further states that if the company is revived, the petitioner would be at liberty to avail of the CODS-2018.

4. In view of the above, it is directed that in the event the petitioner / (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 petitioner would be entitled to avail of CODS-2018 provided that the name of the company is restored on the register.

5. 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 petitioner, the respondent shall ensure that the Scheme under CODS-2018 is extended in respect of the petitioner in order for the petitioner to avail of the same. In other words, the petitioner would not be deprived of the opportunity to avail the CODS-2018 only on account of pendency of the appeal before NCLT.

6. In view of the above, the learned counsel for the petitioner seeks to withdraw the present petition with liberty to file an appropriate application under CODS-2018 and an appeal before the NCLT (if not already filed) .

7. In view of the CDOS-2018, the impugned list to the extent it excludes the name of the petitioner is stayed till 31.03.2018.

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 The petition along with application is dismissed as withdrawn.

DECEMBER 20, 2017
pkv

VIBHU BAKHRU, J