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

+ **W.P.(C) 11009/2017 and CM No. 45036/2017**

MR. HEMRAJ SINGH AND ANR. Petitioners

Through: Mr Rakesh Kumar and Mr P.K.
Sachdeva, Advocates.

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr. Sanjay Jain, ASG with Mr Dev P.
Bhardwaj, CGSC for UOI.
Mr. Sanjay Shorey, Joint Director
(Legal) MCA.
Mr. Rakesh Tiwari, ROC, D&H,
MCA.
Mr Bhagvan Swarup Sharma,
CGSC with Mr Suraj Kumar,
Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **20.12.2017**

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 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 The petition is dismissed as withdrawn with the aforesaid clarification.

VIBHU BAKHRU, J

DECEMBER 20, 2017

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