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

+ **W.P.(C) 11285/2017 and CM Nos. 46140-46141/2017**

RAJAN KAPOOR AND ORS.

..... Petitioners

Through: Mr Rajiv Bansal, Senior Advocate
with Mr S.K. Gandhi, Mr Shivanshu
Kumar and Ms Vasudha Trivedi,
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 Sanjeev Sabharwal, Senior Govt.
Counsel with Mr Hem Kumar,
Advocate for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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20.12.2017

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).
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 The petition is dismissed as withdrawn with the aforesaid clarification.

DECEMBER 20, 2017
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VIBHU BAKHRU, J