

\$~47

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

+ **W.P.(C) 11128/2017**

SATISH KUMAR SETHI AND ORS. Petitioners

Through Ms Sanjana Saddy, Advocate.

versus

UNION OF INDIA AND ORS. Respondents

Through Mr P.S. Singh, Advocate for R1 and R2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **21.12.2017**

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). 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. Petitioner no. 2 is also a director in another Company which has been struck off by the Registrar of Companies at Mumbai. She seeks liberty to institute appropriate proceedings with regard to the said Company.

4. The petition and pending applications are dismissed as withdrawn with the aforesaid liberty.

VIBHU BAKHRU, J

DECEMBER 21, 2017

pkv