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

+ **W.P.(C) 11175/2017 ^& CM 45744/2017**

SATISH KUMAR GUPTA AND ANR. Petitioners

Through Mr N.P.S. Chawla, Advocate.

versus

UNION OF INDIA AND ORS. Respondents

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 The petition and pending application are dismissed as withdrawn with the aforesaid clarification.

VIBHU BAKHRU, J

DECEMBER 19, 2017

pkv