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

+ **W.P.(C) 11365/2017 & CM 46408-46409/2017**

BRIJ GOPAL DAGA

..... Petitioner

Through Mr Ashish Virmani, Advocate.

versus

UNION OF INDIA

..... Respondent

Through Mr Sanjay Jain, ASG with Mr Dev P.
Bhardwaj, Advocate for UOI.

Mr Chiranjeev Kumar, Advocate for R1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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21.12.2017

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). 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. The petition and pending applications are dismissed as withdrawn.

VIBHU BAKHRU, J

DECEMBER 21, 2017

pkv