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

+ **W.P.(C) 11616/2017**

VINOD KUMAR GARG AND ANR.

..... Petitioners

Through Mr Siddhartha Nagpal, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through Mr Sarat Chandra, Advocate for
Respondent No. 1 and Respondent No. 2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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22.12.2017

CM 47289/2017

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 11616/2017 & CM 47288/2017

3. 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.

4. 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.

5. The petition and pending application are dismissed as withdrawn.

VIBHU BAKHRU, J

DECEMBER 22, 2017

pkv