

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8303 of 2018

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1. Prabhat Kumar son of Shri Ram Ekbal Mishra resident of G - 8, Abhiyanta Nagar, Ashiana Road, Patna P.S. Shastrinagar, Town & District Patna, Bihar.
2. Archana Mishra wife of Shri Prabhat Kumar resident of G - 8, Abhiyanta Nagar, Ashiana Road, Patna P.S. Shastrinagar, Town & District Patna, Bihar.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Corporate Affairs, New Delhi.
2. The Secretary, Ministry of Corporate Affairs, Govt. of India, New Delhi.
3. The Assistant Director (Policy), Ministry of Corporate Affairs, Govt. of India, New Delhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Singh, Adv
Mr. Parijat Suman, Adv

For the Respondent/s : Mr. S.D SANJAY. ADDL. SOC. GEN.
Mr. A.B.Mathur, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 26-06-2018

The present writ petition has been filed for the following reliefs—

- (i) *For issuance of writ in the nature of certiorari or any other appropriate writ for quashing of the list of disqualified Directors to the extent that it included the name of the petitioners, issued by the respondents and the same has been published upon the official website of the aforesaid Ministry, whereby and whereunder the petitioner no. 1 and 2 have been declared disqualified for the period of five years from 01.11.2016 to 31.10.2021 and consequently their*



respective DIN has been de-activated.

- (ii) *For issuance of writ in the nature of mandamus or any other appropriate writ for commanding the respondents concerned to expunge the name of the petitioners from the list of disqualified Directors of struck off Company and their respective DIN may be re-activated.*
- (iii) *For issuance of a writ in the nature of mandamus or any other appropriate writ for commanding the respondent concerned to provide opportunity to avail the option of CODS 2018 introduced by the Ministry of Corporate Affairs.*
- (iv) *For issuance of a writ in the nature of mandamus or any other appropriate writ commanding the respondents concerned to accept the necessary resolution for voluntarily striking off the name of the company petitioner as required under Section 248(G) of the Companies Act, 2013.*
- (v) *For issuance of any other appropriate writ, order or direction which your Lordship may deem fit and proper in the facts and circumstances of the case.*

2. Learned counsel for the petitioners fairly states that alternative remedy is available to the petitioners for redressal of their grievances, which they would avail and as such the writ petition need not be pressed.

3. In view of the stand of the petitioners, the writ petition stands



dismissed with liberty to the petitioners to seek such remedy as may be available to them accordance with law.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.06.2018
Transmission Date	NBA

