

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPT No. 378 of 2017**

1. Hari Singh Khanuja S/o Late Shri Jogender Singh Aged About 70 Years
2. Jagjeet Singh Khanuja S/o Late Shri Joginder Singh Aged About 56 Years

Both are R/o Khanuja House, V I P Road, Raipur, Tahsil And District Raipur Chhattisgarh.

---- Petitioners**Versus**

1. Union Of India S/o Through Secretary, Company Affairs, Ministry Of Finance, Department Of Revenue, North Block, New Dehli.
2. Government Of India Ministry The Registrar Of Companies - Cum - Official Liquidator, Chhattisgarh First Floor, Ashok Pingley Bhavan, Municipal Corporation, Nehru Chowk, Bilaspur, Chhattisgarh - 495001.

----Respondents

For Petitioners	:	Mr. S.C. Verma, Advocate
For Respondent No.1	:	Mr. B. Gopa Kumar, Asstt. S.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08/01/2018**

1. Present writ petition has been filed seeking the directions to the respondents permitting the petitioners to submit the return in respect of companies, where the petitioners are Directors.
2. According to the petitioners, they happened to be the Directors in a company named M/s. Mahanadi Power and Steel Pvt. Ltd. and that the company subsequently became defunct and the company never came into operation. That they had issued necessary instructions to their Chartered Accountant for taking necessary steps before the Registrar Companies Act in this regard and for removing the name of the petitioners from the Board of Directors of the said company, which inadvertently the Chartered Accountant could not do. Subsequently, the Union of India has vide its order dated 07.04.2007

issued an order striking down the name of the company M/s. Mahanadi Power and Steel Pvt. Ltd. as a registered company in the record of Registrar of Companies.

3. According to the petitioners, as a consequence of the said action, the petitioners who are Directors in the other companies also have been blocked from submitting their annual return, which is under challenge in the instant case.
4. The counsel for the petitioners relied upon an order passed by the Division Bench of this Court in WPC No. 3265/2017, dated 13.12.2017, where the Division Bench has stayed the effect & operation of a similar order under challenge in the said writ petition. The Assistant Solicitor General at this juncture submits that the Government of India, Ministry of Corporate Affairs has subsequently introduced a new scheme known as "Condonation of delay scheme, 2018" which has been made effective from 01.01.2018 onwards.
5. According to the learned Asstt. S.G., the petitioners can now approach the Registrar of Companies and seek for a redressal of their grievances. Meanwhile, he may also now submit their return in respect of the company to which they intend to file the return, which shall be open till 31.03.2018. He further submits that subject to the petitioners removing the defaults as pointed out by the Registry, the return would be acceptable and in case if the defaults are not removed, the return would not be acceptable beyond 31.03.2018.
6. As per the submissions made by the learned Asstt. S.G. and also taking into consideration the scheme, which has been introduced in the year 2018, this Court is of the opinion that let the petitioners now

approach the Registrar of Companies seeking redressal of their grievances.

7. Meanwhile, as has been stated by the counsel for the Union of India, the petitioners may also file their return subject to the fulfillments of the other formalities as is envisaged under this scheme.
8. It is expected that in the event if the petitioners take appropriate steps under the scheme before the Registrar, it shall promptly act upon the same and pass an order as expeditiously as possible.
9. With the aforesaid directions, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved