

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2018

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.Nos.29120 of 2017 and 126 of 2018

Renuka Ramnath ... Petitioner in W.P.No.29120/17
Rajeev Bakshi ... Petitioner in W.P.No.126/18

Vs

- 1.The Registrar of Companies,
Tamil Nadu, Andaman & Nicobar Islands,
Shastri Bhavan, II Floor,
26, Haddows Road,
Chennai - 6.
- 2.Union of India,
Rep. By the Secretary,
Ministry of Corporate Affairs,
'A' Wing Shastri Bhavan,
New Delhi. ... Respondents in both WPs
- 3.M/s.Subhiksha Trading Service Ltd.,
Rep. By the Official Liquidator,
High Court, Madras. ... Respondent in W.P.No.29120/17
(R3 impleaded as Suo moto of this Court made in W.P No.29120
of 2017 dated 16.11.2017)

Prayer in W.P.No.29120/2017: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records of the respondent No.1 pertaining to and/or connected with the inclusion of the petitioner's name in the said List of Defaulting Directors dated 23.04.2016 published on the said website and the consequent disqualification of the petitioner to act as a Director for the period 01/11/2016 to 31/10/2021 and quash the same and consequently forbear the first respondent and its agents, officers and assigns from disqualifying the petitioner from being appointed as a Director in any other Company.

Prayer in W.P.No.126/2018: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records of the respondent No.1

pertaining to and/or connected with the disqualification of the petitioner to act as a Director for the period 01/11/2016 to 31/10/2021 and quash the same and consequently forbear the first respondent and its agents, officers and assigns from disqualifying the petitioner from being appointed as a Director in any other Company.

For petitioner in both WPs: Mr.Krishna Srinivasan
for M/s.S.Ramasubramaniam

For R1 & R2 in 126/18 and
in W.P.No.29120 of 2017 : Mr.G.Rajagopalan, ASGI,
Asst. by Mr.K.Ramanamour, CGSC
and
Assisted by Dr.V.Venkatesan CGSC

For R3 in W.P.No.29120/17: No Appearance

O R D E R

By way of filing these writ petitions, the petitioners seek to quash the impugned order passed by the first respondent / the Registrar of Companies, Tamil Nadu, Andaman & Nicobar Islands, Chennai, disqualifying them to act as a Director for the period from 01.11.2016 to 31.10.2021.

2. When the matter is taken up, learned counsel for the petitioners brought to the notice of this Court a letter dated 27.02.2018 sent by the counsel on record for the petitioners to the first respondent, whereby it is stated that Mr.Karthikeyan, Assistant Solicitor General during the course of arguments submitted that the names of the two Directors/petitioners herein, namely, Ms.Renuka Ramnath and Mr.Rajeev Bakshi, have been deleted from the Defaulting Directors List as also the list of Disqualified Director maintained by the Ministry of Corporate Affairs. In view of such statement, in the same letter, a request was made from the petitioners' side to confirm whether appropriate steps have been taken to remove the names of the petitioners from the list of Disqualified Directors.

3. Subsequently, on receipt of the above said letter, first respondent, vide his proceedings dated 13.03.2018, intimated the petitioners that since their names have been erroneously figured in the first list of Disqualified Directors dated 08.09.2017, upon noticing the name, they have revised the said list removing the names of the petitioners in the list of Disqualified Directors. The first respondent has also further advised them to withdraw the subject writ petitions. For better appreciation, relevant portion of the said proceeding is extracted below:-

"With reference to the above cited subject, it is to state that this office is in receipt of your letter dated 27.02.2018. In pursuance of the same, this is to intimate that the names of Shri Rajeev Bakshi and Shri Renuka Ramnath erroneously figured in the first list of disqualified directors dated 08.09.2017. Upon noticing the same, this office has revised the said list. The above said 2 persons names have not figured in the list of disqualified directors dated 01.11.2017. You are at liberty to view the said list as on 01.11.2017 (Excel Format) in www.mca.gov.in. In view of the above, you may consider withdrawal of the subject Writ Petitions."

In view of the above, learned counsel for the petitioners sought for permission of this Court to withdraw the above said writ petitions.

4. Recording the above said proceedings dated 13.03.2018 of the first respondent and also the submission of the learned counsel for the petitioners, the writ petitions are dismissed as withdrawn. At this juncture, it is submitted by the learned counsel for the petitioners that the petitioners have already resigned from the post of Director. Therefore, it is made clear the first respondent shall ensure that the names of the petitioners are not figured in any of the Companies. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

rkm

To

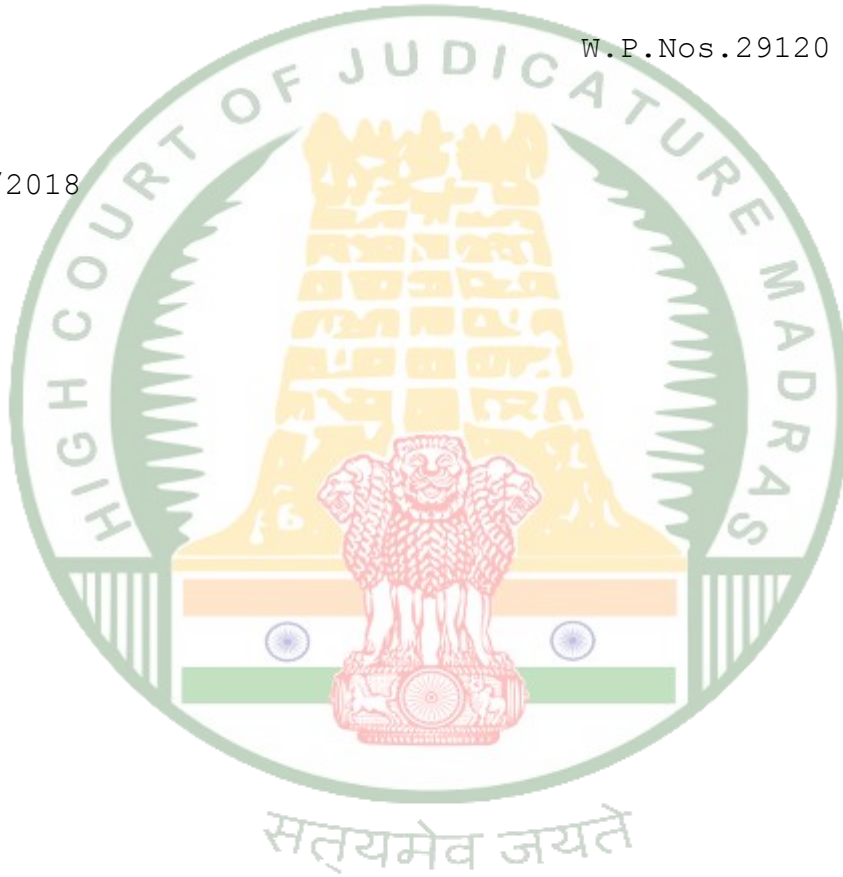
1.The Registrar of Companies,
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2.The Secretary,
Ministry of Corporate Affairs,
'A' Wing Shastri Bhavan,
New Delhi.

+lcc to Mr.S.Ramasubramaniam Associates, Advocate Sr.50944

W.P.Nos.29120 of 2017 and
126 of 2018

srg 30/07/2018



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