HON'BLE SRI JUSTICE S.V. BHATT

W.P.Nos.39959, 40198, 40270, 40473, 40597, 41364, 41435, 41439, 41442, 41604, 41747, 41831, 41836, 41837, 42170, 42211, 42330, 42381, 42634, 42796, 42961, 43019 AND 43069 OF 2017

COMMON ORDER:

Heard Ms.Vanga Anitha, counsel for petitioners and Mr.K.Lakshman, Assistant Solicitor General for respondents.

The petitioners pray for Mandamus declaring the action of respondents de-activating the DIN number of Petitioners/Directors, for non-compliance with the statutory requirement of filing returns/balance sheet by the company, through notification dated 14.09.2017 under Section 164(2) (a) of the Companies Act, 2013, as illegal, arbitrary and unconstitutional.

This Court granted interim direction to restore the DIN numbers of Directors who have been disqualified through notification dated 14.09.2017 and enable compliance with the requirements of law by the Company Director.

Mr.K.Lakshman submits that pursuant to the interim direction, the DIN number of petitioner(s)/Director(s) is activated. The activation of DIN, however, is subject to further orders in the writ petition. While matters stood thus, the Ministry of Corporate Affairs issued General Circular No.16/2017 (File No.02/04/2017-CL-V dated 29.12.2017 called "Condonation of Delay Scheme, 2018". The scheme is operational w.e.f., 01.01.2018 and shall remain in force up to 31.03.2018. Mr.Lakshman further submits that as time for filing the returns, subject to the defaulting companies conforming to the other conditions in the Scheme is extended, the petitioners ought to regularize default in accordance with the Scheme and the writ petitions need not be kept pending.

Learned counsel appearing for the petitioners have no objection to avail the benefit under the Scheme and get the delay or omission in filing returns by the company condoned or regularized.

The writ petitions, hence, are ordered as follows:

(a) the petitioners since have filed or uploaded the statutory reports pursuant to the interim direction of this Court, the respondents are directed to treat the documents/reports already uploaded as filed by the petitioners under the Scheme;

(b) the petitioners pay the prescribed fee of Rs.30,000/- for the defaulting company for filing application Form-e-CODS 2018 and send the details of payment or the demand draft purchased by the company to 2nd respondent on or before 28.02.2018 by enclosing a copy of this order;

(c) The 2nd respondent after receiving the application referred to above considers the statutory reports already filed by petitioners and the report/balance sheet is entered and the disqualification removed and DIN restored; and

(d) The said exercise is directed to be taken up and completed on or before 15.03.2018.

(e) The interim order granted is directed to be continued subject to the above conditions till 20.03.2018.

There shall no order as to costs.

Miscellaneous petitions pending, if any, stand closed.

S.V.BHATT, J

04th January, 2018

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