

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.44597 OF 2017

ORDER:

Heard Mr P.Vikram, counsel for petitioner and Mr.K.Lakshman, Assistant Solicitor General for respondents.

The petitioner prays for Mandamus declaring the action of respondents de-activating the DIN number of Petitioner/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.

Mr.K.Lakshman submits that 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 from 01.01.2018 to 31.03.2018. Mr.Lakshman further submits that time for filing the returns subject to the defaulting companies conforming to the other conditions in the Scheme is extended, the petitioner ought to regularize default in accordance with the Scheme and the writ petition need not be kept pending.

Learned counsel appearing for the petitioner does not have 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 petition, hence, is ordered as follows:

- (a) The petitioner is given liberty to file or upload the statutory returns in terms of "Condonation of Delay Scheme, 2018".
- (b) The petitioner pays 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 while uploading the statutory reports/balance sheet.

- (c) The 2nd respondent receives the uploaded documents referred to above and take steps for entering the report/balance sheet in the Register 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.

There shall no order as to costs.

Miscellaneous petitions pending, if any, stand closed.

04th January, 2018
Lrkm/prv/dv/stp



S.V.BHATT, J