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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 311/2018**

ATUL PRAKASH ANAND

..... Petitioner

Through: Mr Vijay Kasana, Mr Nikhil Kumar
and Mr Manu Padalia, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr Vinod Diwakar, CGSC with Mr
Akshaya Agarwal and Mr Sanjay Pal,
Advocates for R-1 & R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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12.01.2018

CM No.1312/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 311/2018 & CM No.1313/2018

2. The petitioner has filed the present petition, *inter alia*, impugning the list of disqualified directors as published on the website to the extent it includes the petitioner's name.

3. The learned counsel for the petitioner unequivocally states that the petitioner seeks to avail of the Condonation of Delay Scheme, 2018 (CODS-2018) however is unable to do so since the company in question Indraj Industries Private Limited (hereafter 'the Company') has also been removed from the Register of Companies.

4. Mr Vinod Diwakar, learned counsel for the respondents points out that the petitioner has an alternate remedy of approaching the National Company Law Tribunal (NCLT) under Section 252 of the Companies Act, 2013 (hereafter 'the Act'). He further states that if the company is revived, the petitioner would be at liberty to avail of the CODS-2018.

5. In view of the above, it is directed that in the event the petitioner / (or the company in question) files an appeal under Section 252 of the Act before the NCLT within a period of four weeks from today, the petitioner would be entitled to avail of CODS-2018 provided that the name of the company is restored on the Register.

6. In the event, such an appeal is filed, NCLT is requested to dispose of the same as expeditiously as possible given that the CODS-2018 is only available till 31.03.2018. Notwithstanding, the above, it is clarified that in the event the NCLT is unable to dispose of the appeal within the time as requested for the reasons that are not attributable to the petitioner, the respondent shall ensure that the Scheme under CODS-2018 is extended in respect of the petitioner in order for the petitioner to avail of the same. In other words, the petitioner would not be deprived of the opportunity to avail the CODS-2018 only on account of pendency of the appeal before NCLT.

7. In view of the above, the learned counsel for the petitioner seeks to withdraw the present petition with liberty to file an appropriate application under CODS-2018 and an appeal before the NCLT (if not already filed).

8. In view of the CDOS-2018, the impugned list to the extent it excludes the name of the petitioner is stayed till 31.03.2018.

9. The petition along with application is dismissed as withdrawn.

VIBHU BAKHRU, J

JANUARY 12, 2018
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