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

CM No.3806/2018 in
+ W.P.(C) 552/2018

ROHINI AGGARAWAL & ANR Petitioners

Through : Mr. Himanshu Harbola and Mr.
Ketan Mada, Advs.

versus

REGISTRAR OF COMPANIES & ORS Respondents

Through : Ms. Prema Priyadarshini and Mr.
Ashish Shaw, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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31.01.2018

CM No.3806/2018

1) This is an application for early hearing. On the previous date, i.e., 25.01.2018, the matter was adjourned to 7.5.2018. Counsel for the applicants/petitioners says that there is urgency in the matter as one of the petitioners i.e., petitioner no.1 has been appointed as a Director by the Government of Haryana (Power Department) on the Board of Uttar Haryana Bijli Vitran Nigam Limited. Copy of the order dated 9.01.2018 has been appended as Annexure-A to the application.

2) Having regard to this development, early hearing application is allowed. The earlier date fixed in the matter i.e., of 7.05.2018 shall stand cancelled.

2.1) Furthermore, with the consent of counsel for the non-applicants/respondents, who appears on advance notice, and the applicants/petitioners, the writ petition is taken up for hearing.

3) The application is disposed of in the above terms.

W.P.(C) 552/2018 & CM No.2338/2018 (Stay)

4) The petitioners are aggrieved by the fact that they have been

disqualified by the respondents in exercise of powers under Section 164(2)(a) of the Companies Act, 2013.

4.1) It is stated that the disqualification is effected for a period of five years, i.e., from 1.11.2016 to 31.10.2021. In the case of the petitioners, disqualification occurred on account of failure on the part of the company i.e., Saarthi Publications Private Limited, on whose Board they were Directors, in filing the requisite annual returns.

4.2) Counsel for the petitioners says that the disqualification operates even vis-a-vis other companies on which the petitioners would have possibility of appointment as Director. By way of example, reference is made to the appointment of petitioner no.1 by the Government of Haryana to the Board of Uttar Haryana Bijli Vitran Nigam Limited.

4.3) Furthermore, it is submitted by counsel for the petitioners that the petitioners wish to take the benefit of Condonation of Delay Scheme – 2018 (CODS-2018).

4.4) It is also submitted by counsel for the petitioners that they will apply for voluntary dissolution of Saarthi Publications Private Limited under Section 248 (2) of the Companies Act, 2013.

4.5) Learned counsel places reliance on the ratio of the judgment of another Single Judge of this court dated 21.12.2017, passed in ***WP(C)No.11381/2017***, titled; ***Sandeep Singh & Anr. vs. Registrar of Companies & Ors.***

4.6) Learned counsel for the petitioners says that the ratio of the aforementioned judgment would also apply on all fours to the present case.

4.7) Ms. Prema Priyadarshini does not dispute this position.

5) Having regard to the submissions of the counsel for the parties and the record, this writ petition is disposed of with a direction to the respondents to apply the directives contained in the aforementioned

judgment to the petitioners herein.

5.1) It is made clear that the directives contained in the said judgment will apply mutatis mutandis to the petitioners as well.

6) In view of the above, disqualification of petitioners shall remain stayed till 31.03.2018.

6.1) On steps being taken, the respondents will deal with the request for restoration of the DIN and DSC of the petitioners, expeditiously.

7) The writ petition and pending application are disposed of accordingly.

8) *Dasti* under signatures of the Court Master.

RAJIV SHAKDHER, J

JANUARY 31, 2018

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