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

+ W.P.(C) 704/2018 & CM Nos.3017-18/2018

MANISH CHADHA

..... Petitioner

Through : Mr. Sakal Bhushan,
Mr. Robin George and Mohd.
Zeeshan Ansari, Advs.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through : Ms. Archana Gaur and
Ms. Ridhima Gaur, Advs. for R-
1&2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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24.01.2018

CM No.3018/2018 (Exemption)

1. Allowed subject to just exceptions.

W.P.(C) 704/2018 & CM No.3017/2018

2) At the very outset, counsel for the petitioner says that respondent no.3 has been wrongly arrayed as a party to the present proceedings. Respondent no.3 is a company which has been struck off from the Register of the Companies.

2.1) Accordingly, learned counsel says that respondent no.3 be deleted from the array of parties.

2.2) It is ordered accordingly.

3) Issue notice to show cause.

4) Ms. Archana Gaur accepts notice on behalf of respondent nos.1

and 2.

4.1) Ld. counsel for the respondents says that she does not wish to file counter affidavit in the matter as the issue raised in this petition is covered by the judgment of Single Judge of this court dated 20 December 2017, passed in ***WP(C)No.9638/2017***, titled: ***Gautam Khurana vs. Union of India & Ors.***

5) In the instant case the petitioner's name has been included in the list of disqualified directors issued by the respondents. This list is appended as Annexure P1 (*at page 21 of the paper book*). The petitioner's appears against Serial No.22721 (*at page 22 of the paper book*). The petitioner's DIN number is: 2459665.

5.1) The petitioner was, admittedly, a Director in company by the name: GCE Solar (India) Private Limited. The name of the said company was struck off on account of failure to file the requisite annual returns.

5.2) Consequently, the petitioner incurred the disqualification in terms of the provisions provided in Section 164 (2)(a) of the Companies Act, 2013.

5.3) The petitioner, however, wishes to take benefit of the Condonation of Delay Scheme 2018.

6) This court in the aforementioned judgment has granted the benefit in respect of those companies whose names are struck off from the Register of Companies.

6.1) Consequently, the petition is disposed of in terms of the aforementioned judgment. The measures provided in the said judgment would apply mutatis mutandis to the petitioner as well. As directed by the court in Gautam Khurana's case pending the consideration of the application, which the petitioner shall file within 10 days from today, the inclusion of his name in the impugned disqualification list shall remain stayed till 31 March 2018.

7) The writ petition as well as pending application are disposed of in the aforementioned terms.

RAJIV SHAKDHER, J

JANUARY 24, 2018

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