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

+ W.P.(C) 730/2018 & CM No.3103/2018

YAJNA PRAKASH

..... Petitioner

Through : Mr. Rajiv Yadav,
Ms. Dhara Doshi and
Mr. Ravi Ranjan, Advs.

versus

REGISTRAR OF COMPANIES AND ORS Respondents

Through : Mr. P.S. Singh and
Ms. Annu Singh, Advs. for R-1,2
and 3.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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24.01.2018

W.P.(C) 730/2018 & CM No.3103/2018

- 1) Issue notice to show cause.
- 2) Mr. P.S. Singh, Advocate accepts notice on behalf of respondent nos.1, 2 and 3.
- 3) With consent of counsels the writ is taken for hearing and disposed at this stage itself.
- 4) By virtue of this petition, the relief claimed, is that, disqualification list 1 and list 2 appended as annexure P-5 be quashed. Consequential relief is also sought, which is, that disqualification ordered *vis a vis* petitioner be set aside. In fact, the petitioner seeks restoration of his status as Director in respect of all companies which are presently functional and whose names have not been struck off from the Register of Companies.
- 4) It is petitioner's case that he is a Director in several companies including the Company by the name: G2 Frontline Services Private

Limited. The name of companies in which the petitioner was appointed as a Director is set out in paragraphs-6 of the writ petition.

4.1) Counsel for the petitioner says apart from G2 Frontline Services Private Limited, all other companies are functioning and have filed their annual returns in accordance with the extant provisions of law.

4.2) It is a case of the petitioner that his name was included in the impugned lists without issuance of notice. In fact, it is a case of the petitioner that no opportunity was granted to make a representation before passing the impugned order.

4.3) In support of his submission, learned counsel for the petitioner seeks to place reliance on the order dated 20 December 2017, passed in **WP(C)No.9105/2017**, titled: ***Gulshan Jhurani vs. Union of India & Anr.***

5) I am furthermore informed by the counsel for the petitioner that representation dated 30 November, 2017 has been preferred by the petitioner with the Registrar of Companies (ROC), which is, pending consideration.

6) Having regard to the aforesaid, counsel for the respondent submits that a direction could be issued to the ROC to dispose of the aforementioned representation preferred by the petitioner as was directed by another Single Judge of this court in ***Gulshan Jhurani***'s case.

7) Accordingly, the writ petition and the pending application are disposed of with a direction to the ROC to consider the pending representation of the petitioner dated 30 November, 2017. The ROC will give a personal hearing to the petitioner and, thereafter, pass a reasoned order.

8) Pending consideration on the petitioner's representation, the inclusion of the petitioner's name, who has been allotted DIN No.54062 and, whose name appears at Serial No.10813, which pertains to the year

2012 to 2014 (*at page 57*) shall remain stayed.

8.1) Furthermore, stay will also operate *vis a vis* the inclusion of the petitioner's name in other list which is appended at page 63 of the paper book wherein his name appears at Serial No.22114. To be noted, this list pertains to financial year 2014 to 2016.

9) In case the petitioner is aggrieved by the final order passed by the ROC, he will have liberty to take recourse to appropriate proceedings, albeit, in accordance with law.

10) Needless to say, the ROC will dispose of the representation of the petitioner at the earliest though not later than four weeks from today.

RAJIV SHAKDHER, J

JANUARY 24, 2018

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