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

+ W.P.(C) 894/2018 & CM Nos.3783-84/2018

RAJIV KHOSLA AND ANR. Petitioners
Through : Mr. Amar Gupta,
Mr. Divyam Agarwal and Mr.
Raghav Sabharwal, Advs.
versus

UNION OF INDIA AND ANR. Respondents
Through : Mr. Chiranjiv Kumar, Adv.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER
% **31.01.2018**

CM No.3784/2018 (Exemption)

1) Allowed subject to just exceptions.

W.P.(C) 894/2018

2) Issue notice to the respondents.

3) Mr. Chiranjiv Kumar Advocate accepts notice on behalf of the respondents.

4) At the very outset, learned counsel for the petitioners says that since the respondent no.3 has been struck off from the Register of Companies, the said entity be deleted from the array of parties.

5) It is ordered accordingly.

6) The petitioners are aggrieved by the fact that their names have been put on the list of Directors disqualified under Section 164(2)(a) of the Companies Act, 2013 vis-a-vis financial year 2014 to 2016 by the Registrar of Companies in NCT of Delhi and Haryana.

7) The perusal of the record would show that the names of the petitioners are set out against serial nos.22139 and 22140. Counsel for

the petitioners says that consequently, the Director Identification Number (in short “DIN”) and Digital Signature Certificate (in short “DSC”) of the petitioners has been disabled.

8) It is not disputed by the counsel for the petitioners that this situation came about on account of the requisite annual report and financial statements of Gabi Life Private Limited having not been filed.

9) I have been told that the financial statements and requisite annual reports were not filed after 31.03.2012.

10) The disqualification of the petitioners got attracted on account of the aforesaid undisputed fact. Counsel for the petitioners says that disqualification is unsustainable for the reason that disqualification was ordered without any notice.

11) Notwithstanding, the above and other grounds of challenge raised in the petition, learned counsel for the petitioners says that the petitioners would apply for a voluntary dissolution of Gabi Life Private Limited and would also like to avail of the benefits of Condonation of Delay Scheme 2018 (in short CODS – 2018).

12) In support of his submission, learned counsel for the petitioners relies upon the judgment of another Single Judge of this court dated 21.12.2017, passed in **WP(C)No.11241/2017** titled **Tilokchand Manaklal Kothari & Ors. vs. Union of India & Ors.** 13)

Learned counsel for the respondents, on the other hand, says that in view of the judgment passed by this court, he does not wish to file any reply to the present writ petition and application.

14) Having regard to the facts and circumstances arising in this case, the writ petition and pending application are disposed of with a direction that the directives contained in the aforementioned judgment would apply mutatis mutandis to the petitioners as well.

14.1) Furthermore, counsel for the petitioner undertakes on behalf of the

petitioners that they will take expeditious steps in seeking voluntary dissolution of Gabi Life Private Limited and, likewise, move with due alacrity to avail of the benefits of CODS – 2018.

14.2) Needless to say, the petitioner would take steps in that behalf not later than four weeks from the date of receipt of a copy of this judgment.

14.3) Pending the disposal of the application that may be filed by the petitioners, the impugned disqualification list (Annexure P-2) qua the petitioners is stayed till 31.3.2018 or till such time the respondents take a decision on the matter whichever is later, provided the timeline given above is adhered to by the petitioners.

15) The writ petition and pending application are disposed of in the aforesaid terms.

16) *Dasti* under the signature of the Court Master.

RAJIV SHAKDHER, J

JANUARY 31, 2018

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