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

Judgment pronounced on: 21 February 2018

+ W.P.(C) 801/2018 & CM No.3453/2018
KRISHAN KUMAR AND ORS. Petitioners

Through : Mr. Amit Dayal, Adv.

versus

REGISTRAR OF COMPANIES, NCT OF DELHI AND HARYANA
AND ANR. ... Respondents

Through : Ms. Shreya Sinha, Adv.

CORAM:-
HON'BLE MR. JUSTICE RAJIV SHAKDHER
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RAJIV SHAKDHER, J. (ORAL)

1. Notice in this petition was issued on 29.11.2018 when Ms. Shreya Sinha entered appearance on behalf of the respondents. On the last date of hearing, learned counsel for the respondents had taken time to take instructions in the matter.

2. In view of the fact that the petitioners relied upon the judgment of this court dated 21.12.2017, passed in W.P.(C)No.11381/2017, titled *Sandeep Singh & Anr. v. Registrar of Companies & Ors.* to secure relief of similar nature, by the very same order, the impugned list i.e., Annexure P-1 was also stayed insofar as the petitioners were concerned.

3. Ms. Sinha says that a similar issue is pending before a Division Bench of this court and therefore, the matter be stood over.

3.1 It is however, not Ms. Sinha's case that the issue raised in the present petition is not covered by the judgment rendered in *Sandeep Singh & Anr. v. Registrar of Companies & Ors.*

4. To be noted, in this case, the petitioners were disqualified from being appointed as Directors on the Board of Prab Enterprises Pvt. Ltd. *qua* which the requisite financial statements and/ or annual returns were not filed.

5. It is the case of the petitioners that they are Directors on the Boards of other companies which are functioning. The petitioners, *inter alia*, submit that their names are included in Annexure P-1 which is a list of Directors who were disqualified, albeit, without having been served with any notice.

5.1 This apart, it is contended that the affect of inclusion of their names in the list of disqualified Directors prevents them from acting as Directors of companies which are fully functional.

5.2 Furthermore, learned counsel for the petitioners submits that the petitioners intend to take steps to have the name of Prab Enterprises Pvt. Ltd. voluntarily removed by taking recourse to provisions of Section 248(2) of the Companies Act, 2013 and that they would take requisite steps in that behalf.

6. It is also the contention of learned counsel for the petitioners that the petitioners wish to avail of benefits of Condonation of Delay Scheme, 2018 (in short '*2018 scheme*'), which is likely to expire on 31.3.2018.

7. Having regard to the aforesaid facts and circumstances, I am inclined to dispose of this writ petition with a direction that the respondents will take requisite steps for having the name of Prab Enterprises Pvt. Ltd. removed under Section 248(2) of the Companies Act, 2013 within four weeks from today in accordance with the directives contained in *Sandeep Singh & Anr.* (supra).

8. Furthermore, the petitioners will be at liberty to apply under the 2018 scheme as well. Needful will be done within four weeks from today.

9. In order to facilitate this exercise, the interim order dated 29.1.2018 shall continue to operate till 31.3.2018 or till such time a decision is taken on the petitioner's application, if any, preferred under the 2018 scheme. The petitioners will take requisite steps at the earliest.

10. This writ petition is disposed of in the aforesaid terms.

RAJIV SHAKDHER, J

FEBRUARY 21, 2018/aj