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

Judgment pronounced on: 12th February 2018

+ W.P.(C) 1270/2018

PRADIP KUMAR SETHI

..... Petitioner

Through Mr. Yashraj Singh Deora and
Mr. Sanjay Saddy, Advs.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through Mr. Ajay Digpaul, CGSC for
ROC

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HON'BLE MR. JUSTICE RAJIV SHAKDHER

RAJIV SHAKDHER, J. (ORAL)

CM No.5327/2018

1. Allowed subject to all just exceptions.

W.P.(C) 1270/2018 CM No.5326/2018

2. Issue notice. Mr. Ajay Digpaul, CGSC accepts notice on behalf of respondent/ROC.

3. Learned counsel for the petitioner says that the issue which arises in the present petition is covered by a judgment of another Single Judge of this Court, passed in W.P.(C) No.10946/2017 dated 21.12.2017, titled: *Mayank Singhee vs. Union of India*.

4. It is the petitioner's case that he alongwith another person, i.e., Mr. Som Prakash Sethi was appointed as a director on the Board of a company by the name: Deep-Mala Shares and Trade Pvt. Ltd.

5. Learned counsel for the petitioner says that Mr. Som Prakash Sethi has expired. It is further submitted that the name of the aforementioned company was struck off from the Register of Companies on account of failure to file requisite returns with respondent no.2.

6. Learned counsel for the petitioner also submits that apart from the aforementioned company the petitioner is also a director on the Board of ten other companies, which are active. In this connection, my attention has been drawn to paragraph 6 at pages 13 and 14 of the paper book.

7. *Inter alia*, it is the submission of counsel for the petitioner that the disqualification under Section 164(2)(a) of the Companies Act, 2013 qua the petitioner was ordered without notice. Furthermore, it is contended that such disqualification ought not to impact the petitioner's status qua companies which are active.

8. Mr. Ajay Digpaul who appears for the respondent/ROC does not dispute the aforesaid facts as also the fact that the issue raised in the present petition is covered by the judgment passed in *Mayank Singh's case* (supra). It is because of this reason that the counsel for the respondents says that he does not wish to file a counter affidavit in the matter.

9. Accordingly, the petitioner is given liberty to file an appeal under Section 252 of Companies Act, 2013 with the NCLT. The needful will be done within four weeks from today.

10. The petitioner will also be entitled to avail of the benefits of the Condonation of Delay Scheme, 2018 (Scheme) provided the name of the aforementioned company, i.e., Deep-Mala Shares and Trade Pvt. Ltd. is restored to the Register of Companies.

11. It is made clear that the directions contained in *Mayank Singhee's case* (supra) will apply *mutatis mutandis* to the petitioner as well.

12. The writ petition and application stand disposed of in the aforementioned terms.

13. Dasti.

RAJIV SHAKDHER, J

FEBRUARY 12, 2018

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