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

*Judgment pronounced on: 23.2.2018*

+ W.P. (C) 1740/2018, CM APPL.7221/2018  
VARUN MAKAR AND ANR. .... Petitioners  
Through: Mr. Amit Dayal, Advocate.

versus

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

Through: Mr. Roshan Lal Goel with Ms. Anju  
Gupta and Mr. R.M. Tripathi, Advocates.

**CORAM:-**

**HON'BLE MR. JUSTICE RAJIV SHAKDHER**

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**RAJIV SHAKDHER, J. (ORAL)**

1. Issue notice. Mr. Roshan Lal Goel, who appears for respondents, accepts notice.

1.1. Learned counsel for the petitioner says that the issue which arises for consideration in this case is covered by the judgment of another Single Judge of this Court dated 21.12.2017, passed in W.P.(C)11381/2017 titled: *Sandeep Singh & Anr. v. Registrar of Companies & Ors.* This aspect is not disputed by the counsel for the respondents. Therefore, waiting for a counter affidavit would serve no purpose as the stand of the respondents is the same as in *Sandeep Singh & Anr (supra)*.

2. It is the case of the petitioners that they were appointed as Directors on the Board of the Company by the name Isan Buildtech Pvt. Ltd. (ISBL). The name of ISBL was struck off from the Register of Companies on account of failure to file the requisite financial statements and annual returns.

2.1 Furthermore, the petitioners submitted that ISBL had not been carrying out business for more than three years.

3. Besides this, I am informed that insofar as petitioner no.1 is concerned, he is also a Director on the Boards of the following companies, which are active and functional:

(i) Edge Infrastructure Pvt. Ltd.

(ii) Edge Developers Private Ltd.

(iii) Olive Pharmaz Pvt. Ltd.

3.1. Counsel for the petitioners says that since petitioner no.1's name was included in the impugned list of disqualified directors for the financial years 2014-16, his role as a Director is impeded insofar as the other three companies are concerned which are active and running.

3.2. Counsel for the petitioners says that since the petitioners do not wish to revive ISBL, they would take steps under Section 248 (2) of the Companies Act, 2013 in consonance with the directives contained in *Sandeep Singh (supra)*.

3.3 Furthermore, counsel for the petitioners says that the petitioners would also like to avail the benefit of the Condonation of Delay Scheme, 2018.

4. Having regard to the assertions made in the petition and the records which are presently available with me, I am of the view that this petition can be disposed of with the direction that respondents will follow the directives contained in *Sandeep Singh (supra)*. It is made clear that the directives contained therein will apply to the petitioners *mutatis mutandis*.

4.1 The petitioners will, however, take steps both in consonance with the provisions of Section 248 (2) of the Companies Act, 2013 and under the Condonation of Delay Scheme, 2018 within a period of four weeks from today.

4.2 In order to facilitate this exercise, operation of the impugned list, insofar as it concerns the petitioners, will remain stayed till 31.3.2018 or, till such time the respondents take requisite decision with regard to the request of the petitioners made to them in consonance with the provisions under Section 248 (2) of the Companies Act, 2013 and under the Condonation of Delay Scheme, 2018.

4.3 Needful will be done by the petitioners within four weeks from today. In addition thereto, for the moment, respondent no. 1/Registrar of Companies will also activate the petitioners DIN and DSC.

5. Consequently CM APPL.7221/2018 shall stand closed.

6. *Dasti*.

**RAJIV SHAKDHER, J**

**FEBRUARY 23, 2018**

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