

\$~28,32,33,34

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

Judgment pronounced on: 21.2.2018

28

+ W.P.(C) 1661/2018 & CM APPL. 6831-6833/2018

ARTI VERMA

..... Petitioner

Through : Mr. Jasmeet Singh, Mr. Naman
Joshi, Mr. Hemant Jain,
Advocates

versus

UNION OF INDIA & ORS

..... Respondent

Through : Mr. Vinod Diwakar, CGSC for
R1 and R2.

32

+ W.P.(C) 1666/2018 & CM APPL. 6843-6845/2018

GAURAV GUPTA

..... Petitioner

Through : Mr. Jasmeet Singh, Mr. Naman
Joshi, Mr. Hemant Jain,
Advocates

versus

UNION OF INDIA & ORS

..... Respondent

Through : Mr. Vinod Diwakar, CGSC for
R1 and R2.

33

+ W.P.(C) 1667/2018 & CM APPL. 6846-6848/2018

RITESH KUMAR VERMA

..... Petitioner

Through : Mr. Jasmeet Singh, Mr. Naman
Joshi, Mr. Hemant Jain,
Advocates

versus

UNION OF INDIA & ORS

..... Respondent

Through : Mr. Vinod Diwakar, CGSC for
R1 and R2.

34

+ W.P.(C) 1668/2018 & CM APPL. 6849-6851/2018

DINKAR MUKUL

..... Petitioner

Through : Mr. Jasmeet Singh, Mr. Naman
Joshi, Mr. Hemant Jain,
Advocates

versus

UNION OF INDIA & ORS

..... Respondent

Through : Mr. Vinod Diwakar, CGSC for
R1 and R2.

CORAM

HON'BLE MR. JUSTICE RAJIV SHAKDHER

RAJIV SHAKDHER, J. (ORAL)

1. Issue notice. Mr. Vinod Diwakar, accepts notice on behalf of official respondents no. 1 and 2.

2. Respondent no. 3 is deleted from the array of parties and even according to the petitioner, the said company has been struck off from the Register of Companies.
3. Since the issue raised in this petition is covered by judgment of this court, counsel for the respondents says that no counter affidavit is necessary.
4. These are petitions filed by four separate persons.
5. The petitioners claim that they were appointed as Directors on the Board of company by the name: Dictum Infotech Pvt. Ltd. Concededly, the requisite returns and financial statements concerning Dictum Infotech Pvt. Ltd. were not filed. Consequently, the official respondents i.e. Respondent no. 1 and 2 struck off the name of Dictum Infotech Pvt. Ltd. from the Register of Companies.
6. This has led to the names of the petitioners (in the captioned writ petitions) being included by the official respondents i.e. respondent no. 1 and 2 in the list of disqualified directors for the financial years 2012-2014. The stand of the respondents is that, this list, which includes the names of the petitioners has been prepared in consonance with the provisions of section 164(2) of the Companies Act, 2013 (Act).
7. To be noted, except for, the petitioner in WP(C) 1661/2018, the other petitioners are directors in other companies as well. These petitioners claim that their inclusion in the impugned list, which is, appended as Annexure P1 in each of the writ petitions impacts their right to function as directors on

Boards of those companies which are fully functional and active.

8. Mr. Jasmeet Singh, who appears for the petitioners, says that since no business was ever conducted by Dictum Infotech Pvt. Ltd., these petitioners are inclined to voluntarily seeking its striking off from the Registrar of Companies under Section 248(2) of the Act. Furthermore, the petitioners seek to take benefit of the Condonation of Delay Scheme 2018, as was permitted by another Single Judge of this court vide a judgment dated 21.12.2017, passed in WP(C) 10901/2017 titled: *Pradeep Jain vs. UOI & Ors.*
9. The learned counsel for the petitioners says that the Division Bench of this court vide judgment dated 08.01.2018, passed by WP(C) 110/2018, titled: *Lalit Tanwar & Anr. vs Union of India & Anr.*, has taken the same view.
10. Having regard to the aforesaid position, the captioned writ petitions are disposed of with a direction to the respondents to act as per the directions contained in the aforementioned judgments.
11. It is made clear that the directions contained therein would apply *mutatis mutandis* to the petitioners as well.
12. Consequently, pending applications shall stand closed.

RAJIV SHAKDHER, J

FEBRUARY 21, 2018/c