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

Judgment pronounced on: 21.2.2018

+ W.P.(C) 1663/2018 & CM APPL. 6837-6839/2018

MANJU GUPTA

..... Petitioner

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

versus

UNION OF INDIA & ORS

..... Respondents

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

+ W.P.(C) 1669/2018 & CM APPL. 6852-6854/2018

SUSHMA JAIN

..... Petitioner

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

versus

UNION OF INDIA & ORS

..... Respondents

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

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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 as 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 respondent 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 of Toscana Wino Exim Pvt. Ltd.

6. Concededly, the requisite returns and financial statements concerning Toscana Wino Exim Pvt. Ltd., were not filed.

7. Consequently, the official respondents i.e., respondent no. 1 and 2 struck off the name of Toscana Wino Exim Pvt. Ltd., from the Register of Companies.

8. 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.

8.1 The stand of the respondents, is that, this list, which includes the names of the petitioners has been prepared in consonance with section 164(2)(a) of the Companies Act, 2013.

9. To be noted, except for the petitioner in WP(C) 1663/2018, the other petitioner is a director in as many as two other companies. Ms. Sushma Jain, who is the petitioner in WP(C) No. 1669/2018 is Director of the Board of two other companies. 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.

10. Mr. Jasmeet Singh, who appears for the petitioners says that since no business was ever conducted by Toscana Wino Exim Pvt. Ltd., these petitioners are inclined to approach Registrar of Companies voluntarily to seek its striking off from the Registrar Of Companies under Section 248(2) of the Companies Act, 2013.

10.1 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.*

11. The learned counsel for the petitioner says that the Division Bench of this court vide judgment dated 08.01.2018, passed in WP(C) 110/2018, titled: *Lalit Tanwar & Anr. Vs Union of India & Anr.*, has taken the same view.

12. 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.

13. It is made clear that the directions contained therein would apply *mutatis mutandis* to the petitioners as well.

14. Consequently, pending applications are closed.

RAJIV SHAKDHER, J

FEBRUARY 21, 2018/c

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