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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment pronounced on: 23 February 2018

+ W.P.(C) 1694/2018

VIJAY CHARLU

..... Petitioner

Through

Mr. Bharat Arora and Mr. Vikhyat Oberoi, Advs.

versus

UNION OF INDIA AND ORS

..... Respondents

Through

Mr. Anunita Chandra, Adv. for
Mr. Sanjeev Narula, CGSC for
UOI

AND

+ W.P.(C) 1741/2018

SANDESH CHHATWAL

..... Petitioner

Through

Mr. Bharat Arora and Mr. Vikhyat Oberoi, Advs.

versus

UNION OF INDIA & ORS

.... Respondents

Through

Mr. Anunita Chandra, Adv. for
Mr. Sanjeev Narula, CGSC for
UOI

CORAM:-

HON'BLE MR. JUSTICE RAJIV SHAKDHER

RAJIV SHAKDHER, J. (ORAL)

CM No.6975/2018 in W.P.(C) 1694/2018

CM No.7223/2018 in W.P.(C) 1741/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 1694/2018 & CM No.6974/2018

W.P.(C) 1741/2018 & CM No.7222/2018

2. Issue notice. Ms. Anunita Chandra accepts notice on behalf of respondent no.1/UOI.

3. The issue which arises in the present petitions has arisen in several other cases before this Court. Therefore, the relief which I propose to give in the present petitions is one which has been given in other matters as well. Thus, a counter affidavit is not necessary as the stand of the official respondents is no different to that which were decided by my predecessor.

4. Briefly, the case of the petitioners is that they were appointed as Directors on the Board of a company by the name of Tangent Media Solutions Pvt. Ltd (TMSL). The name of TMSL was struck off from the Register of Companies on account of failure to file requisite financial statements and requisite annual returns.

5. The petitioners claim that there was no infraction of the provisions of Section 164(2)(a) and that this provision is applicable only to cases pertaining to re-appointment or fresh appointment.

6. Dehors their objections to the impugned order, the petitioners wish to approach the second respondent/ROC for having the name of TMSL removed from the Register of Companies by taking recourse to provisions of Section 248(2) of the Companies Act, 2013 (2013 Act).

7. Notably this provision i.e., Section 248(2) would, ordinarily, apply only to a running company. This is also the submission of the counsel for the respondents. However, since another Single Judge of this Court in a judgment dated 21.12.2017, passed in W.P.(C) No.11381/2017 titled: *Sandeep Singh and Anr. vs. Registrar of Companies and Ors.* has granted relief. I see no reason to deprive the petitioners of the same benefit. This is especially so, as I am told that the directions contained in *Sandeep Singh's* case and others were incorporated with the assistance of the learned ASG.

8. In addition to the above, the petitioners submit that they wish to avail of the benefit of the Condonation of Delay Scheme, 2018 (for short 'Scheme').

8. In these circumstances, the writ petitions and applications are disposed of with the directions that the directives contained in *Sandeep*

Singh (supra) will apply *mutatis mutandis* to the petitioners herein as well.

9. The petitioners will approach the second respondent/ROC within three weeks from today.

10. Furthermore, the petitioners will also take steps to avail of the benefit of the Scheme, albeit, within the same time frame.

11. In view of the above, disqualification of the petitioners as directors as set forth shall in (annexure P-1), shall remain stayed till 31.3.2018.

12. On steps being taken by the petitioners, the respondents will deal with the request of the petitioners for restoration of their DIN and the DSC with due expedition.

13. *Dasti.*

RAJIV SHAKDHER, J

FEBRUARY 23, 2018

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