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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment pronounced on: 23 February 2018

+ W.P.(C) 1682/2018

ANIRUDH SINGHA

..... Petitioner

Through
versus

Mr. Pradeep Chhindra, Adv.

UNION OF INDIA & ORS

.... Respondents

Through Mr. Rajesh Gogna, CGSC with
Mr. Akhilesh Kumar and Ms. Vipra Bhardwaj,
Adv. for R-1 & 2

CORAM:-

HON'BLE MR. JUSTICE RAJIV SHAKDHER

RAJIV SHAKDHER, J. (ORAL)

CM No.6919/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 1682/2018 & CM No.6918/2018

2. Issue notice. Mr. Gogna, CGSC accepts notice on behalf of respondents no.1 and 2.

3. Mr. Gogna says that in view of the fact that the petitioner relies upon the order dated 19.1.2018, passed in W.P.(C) No.505/2018 titled: *Ramanathan Annamalai vs. Union of India*, the same order can be passed in the present petition as well.

4. Briefly, the petitioner claims that he was, at the given point of time, appointed as a Director in the company by the name: Batla Transport City Service Ltd. (BTSL).

4.1 It is the petitioner's case that he tendered his resignation as a Director of BTSL on 19.7.2011. For this purpose, my attention is drawn to Annexure P-6 (colly.) at pages 93 and 94 of the paper book.

4.2 Furthermore, the petitioner submits that the inclusion of his name in the impugned list i.e., (Annexure P-1) has impacted his role as a Director in other two companies i.e., AAIC Building Solutions Ltd. and Plantech Infra Structure Ltd. which are active and fully functional.

4.3 In short, the petitioner claims that these are facts which were not noticed by respondent no.2 i.e., the ROC.

5. Having regard to the aforesaid facts and circumstances, the inclusion of the petitioner's name in the list of disqualified Directors for Financial Years 2014-2016 is stayed with liberty to approach respondent no.2/ROC for appropriate relief.

5.1 The respondent no.2/ROC will hear the petitioner and examine the veracity of the stand taken by him that he had resigned on 9.7.2011 from the Board of BTSL. In case the decision rendered by respondent no.2/ROC is against the interest of the petitioner he will have liberty to take recourse to an appropriate remedy, albeit, in accordance with law.

6. Needless to say, the aforementioned exercise will be conducted by respondent no.2/ROC at the earliest, though, not later than six weeks from today.

7. The petitioner will appear before respondent no.2/ROC on 8.3.2018 at 11.00 a.m. In case the said date is not convenient to respondent no.2/ROC, he will fix another date with due notice to the petitioner which will be proximate to the date indicated above.

8. At this stage, I am also informed by Mr. Gogna that insofar as the aforementioned judgment of this Court is concerned, an appeal has been filed by respondent no.2/ROC which is pending consideration with the Division Bench.

8.1 I am told that judgment of the Single Judge in *Ramanathan Annamalai* has not been stayed.

9. In order to facilitate the functioning of the petitioner, the DIN and DSC which have been de-activated will be activated and will remain so till petitioner's representation is disposed of unless, some supervening circumstances occur. In such circumstances, respondents would be at liberty to deactivate the DIN and DSC with due intimation to the Court and the petitioner.

10. The petition and application are disposed of with the aforementioned terms.

11. Dasti.

RAJIV SHAKDHER, J

FEBRUARY 23, 2018

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