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

Judgment pronounced on: 23.2.2018

+ W.P.(C) 1744/2018

MANOJ KUMAR & ANR

..... Petitioner

Through: Mr. Himanshu Harbola with
Mr. Ketan Madan, Advocates.

versus

REGISTRAR OF COMPANIES & ORS

.....Respondents

Through: Mr. Bhagwan Swarup Shukla,
CGSC.

CORAM

HON'BLE MR. JUSTICE RAJIV SHAKDHER

RAJIV SHAKDHER, J. (ORAL)

1. Issue notice. Mr. Shukla who appears for the respondents accepts notice on behalf of respondents.

2. According to counsel for the petitioners, the issue which arises in the present petition 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. vs. Registrar of Companies & Ors.*

2.1 Therefore to my mind, no counter affidavit is required as the stand of the respondents is no different than that which

obtained in *Sandeep Singh & Anr (supra)*. Furthermore, I am told that directives contained in the said judgment were incorporated with the assistance of learned ASG.

3. The case of the petitioners is that they were appointed, *inter alia*, as Directors on the Board of the company by the name: Arpit Education Private Limited (for short “AEPL”).

3.1 It is averred that since AEPL failed to file its financial statements and/or requisite annual returns, its name was struck off from the Register of Companies by respondent no.1/ROC.

3.2 It is also the petitioners’ case that besides the aforementioned company, the petitioner no.1 is a Director in USB Financial Corporation Limited and Marathon Finlease Limited, which are presently, active and functional.

3.3 Likewise insofar as petitioner no.2 is concerned, it is averred by the petitioners that she is, presently, Director on the Board of USB Financial Corporation Limited and R.C.N. Chits Private Limited.

3.4 Petitioners’ counsel says that USB Financial Corporation Limited and R.C.N. Chits Private Limited are also active and fully functional.

4. It is, thus, the petitioners’ case that the inclusion of their names in the list of disqualified Directors for financial years 2014-2016 has impacted their role as Director *qua* companies which are presently active and functional.

4.1 Furthermore, it is the petitioners' case that they were not given notice prior to their names being included in the impugned list i.e., Annexure P-4.

4.2 Petitioners further aver that AEPL has not carried out any business for past several years.

4.3 In these circumstances, the petitioners wish to take recourse to provisions of Section 248(2) of the Companies Act, 2013 and accordingly, have the name of AEPL removed from the Register of Companies.

4.4 The Counsel for the petitioners says that this liberty has been given by this Court in *Sandeep Singh & Anr.(supra)*. Furthermore, petitioners also submit that they wish to take benefit of Condonation of Delay Scheme, 2018 (in short 'Scheme')

5. Having regard to the submissions made by the counsel for the parties and also assertions made in the petition, I am inclined to dispose of the writ petition with the directions that the directives contained in the *Sandeep Singh & Anr.(supra)* will apply *mutatis mutandis* to the petitioners as well.

5.1 The petitioners will, however, take appropriate steps under Section 248(2) of the Companies Act, 2013 within a period of four weeks from today.

5.2 In addition, thereto, the petitioners will also take requisite steps under the Scheme, albeit, within a period of four weeks from today. Pending the consideration of petitioners' request, the impugned list annexed as Annexure P-4, insofar as petitioners are concerned, shall remain stayed till 31.3.2018 or till such time a decision is taken by respondent no.1/ROC, on the request of the petitioner, whichever is later. In order to facilitate this exercise, the respondent no.1/ROC will also activate petitioners DIN and DSC.

6. *Dasti*

RAJIV SHAKDHER, J

FEBRUARY 23, 2018

mk/cks