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

Judgment pronounced on: 09.03.2018

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W.P. (C) 1731/2018

KRISHNAMOORTY CHANDRU AND ANR Petitioners

Through: Mr. Dilip Singh and Mr. Sanjay
Bansal, Advocates.

versus

UNION OF INDIA & ANR Respondents

Through: Mr. Shatrajit Banerji, Advocate.

CORAM:-

HON'BLE MR. JUSTICE RAJIV SHAKDHER

RAJIV SHAKDHER, J. (ORAL)

1. Issue notice. Mr. Shatrajit Banerji, who appears for the respondents, accepts notice.

1.1. Learned counsel for the petitioners says that the issue which arises for consideration in this case is covered by the judgment of another Single Judge of this Court dated 21.12.2017, passed in W.P.(C)11241/2017, titled: *Tilokchand Manaklall Kothari vs UOI*. This aspect is not disputed by the counsel for the respondents. Therefore, waiting for a counter affidavit would serve no purpose as the stand of the respondents is the same as in *Tilokchand Manaklall Kothari (supra)*.

2. It is the case of the petitioners that they were appointed as Directors on the Board of a Company by the name: CKG Holidays Pvt. Ltd. (for short "CKG"). The name of CKG was struck off from the Register of Companies on account of failure to file the requisite financial statements and annual returns.

2.1 Furthermore, the petitioners submitted that CKG has not carried out any business since incorporation. DPPL had not been carrying on business for more than three years.

3. Besides this, I am informed that the petitioners are also Director on the Boards of the following companies, which are active and functional.

Petitioner No.1

1. Reddy Biotech Limited.
2. Reddy Life Sciences Pvt. Ltd.
3. Reo Remedies Pvt. Ltd.
4. CKG Life Sciences Pvt. Ltd.
5. M. Sea Pharmaceuticals Pvt. Ltd.

Petitioner No.2

1. Reddy Life Sciences Pvt. Ltd.

3.1. Counsel for the petitioners says that since petitioners' names were included in the impugned list of disqualified directors, their role as Directors is impeded insofar as the other companies are concerned, which are active and running.

3.2. Counsel for the petitioners says that since the petitioners do not wish to revive CKG, they would take steps under Section 248 (2) of the Companies Act, 2013 in consonance with the directives contained in *Tilokchand Manaklall Kothari (supra)*.

3.3 Furthermore, counsel for the petitioners says that the petitioners would also like to avail the benefit of the Condonation of Delay Scheme, 2018.

4. Having regard to the assertions made in the petition and the records which are presently available with me, I am of the view that this petition can

be disposed of with the direction that respondents will follow the directives contained in *Tilokchand Manaklal Kothari (supra)*. It is made clear that the directives contained therein will apply to the petitioners *mutatis mutandis*.

4.1 The petitioners will, however, take steps both in consonance with the provisions of Section 248 (2) of the Companies Act, 2013 and under the Condonation of Delay Scheme, 2018 within a period of two weeks from today.

4.2 In order to facilitate this exercise, operation of the impugned list, insofar as it concerns the petitioners, will remain stayed till 31.3.2018 or, till such time the respondents take requisite decision with regard to the request of the petitioners made to them in consonance with the provisions under Section 248 (2) of the Companies Act, 2013 and under the Condonation of Delay Scheme, 2018.

4.3 Needful will be done by the petitioners within two weeks from today. In addition thereto, for the moment, respondent no.2/Registrar of Companies will also activate the petitioners' DIN and DSC.

5. It is also made clear that the aforesaid order will be subject to the final outcome of the appeals which, I am told, are pending before Division Bench-I.

6. *Dasti.*

RAJIV SHAKDHER, J

MARCH 09, 2018/c