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

+ W.P.(C) 2448/2018

AKHILESHWAR SINGH Petitioner
Through: Mr Sanjay Agnihotri and Mr Rakesh
Kumar, Advocates.
Versus

REGISTRAR OF COMPANIES AND ANR. Respondents
Through: Mr Vikas Mahajan, CGSC with Mr
Aakash Varma, Advocates for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **13.09.2018**

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

- “(i) Issue a writ of ‘Mandamus’, ‘Certiorari’ or any other writ, order or direction thereby directing the Respondent No.1 to consider the resignation of the petitioner and consequently remove the name of the petitioner from the list of signatory details/directors and consequently remove the name of the petitioner from website of respondent no.1.
- (ii) Direct the respondents to pay damages to the tune of Rs.70,000/- per month equivalent to the last salary drawn w.e.f. 01.06.2017 till date removal of the name from the list of signatory details.”

2. The petitioner states that he was a Company Secretary of the Earth Infrastructure Limited (respondent no.2) and had resigned from the said

office on 23.05.2017. The petitioner's grievance is that although he has resigned as a Company Secretary, the records available with the Registrar of Companies (ROC) continue to reflect the petitioner as an authorized signatory of respondent no.2.

3. The learned counsel appearing for the petitioner states that criminal cases have been registered against the promoter directors of respondent no.2 and at the time when the petition was filed two of the promoter directors were in custody and the remaining director was absconding. The petitioner has been repeatedly writing certain letters to ROC to correct its record and reflect that the petitioner had ceased to be the Company Secretary and authorised signatory of respondent no.2.

4. It is also contended that the petitioner has been unable to secure employment as his name continues to be reflected as a Company Secretary and authorised signatory of respondent no.2. Plainly, the petitioner cannot be compelled to continue as the Company Secretary of respondent no.2 after he tendered his resignation.

5. In the aforesaid view, the ROC is directed to remove the petitioner's name as the Company Secretary and authorized signatory of respondent no.2.

6. It is, however, clarified that nothing stated in this order shall absolve the petitioner from any liability (whether civil or criminal) of the liabilities incurred on account of acting as a Principal Officer of respondent no.2.

7. The petition is disposed of in the above terms.

8. Order *dasti*.

VIBHU BAKHRU, J

SEPTEMBER 13, 2018/MK