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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 1851/2018 & C.M. Appl. No.7722/2018

RAJIV GAUR & ANR

..... Petitioners

Through Mr. Syed Asif Iqbal and Mr. Parmesh
Bali, Advs.

versus

UNION OF INDIA & ANR

..... Respondents

Through Mr. Bhagwan Swarup Shukla, CGSC
with Mr. Kamaldeep, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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16.05.2018

1 On 27.02.2018, the following order was passed:-

“...1. Issue notice. Mr. Shukla accepts notice on behalf of respondent no.1.

2. In this case, the petitioners' disqualification occurred on account of the name of Shamoga Valley Resorts Pvt. Ltd. (in short “SVRL”) being struck off from the Register of Companies.

3. It appears that the petitioners have had, in the past, disputes with other directors on the Board of SVRL, namely, Mr. Ajay Chaudhary, Mr. Sanjay Chaudhary and Mr. Naresh Thakur and his wife. Though the disputes appeared to have been settled qua these persons, I am informed that the petitioners did not want to continue their engagement with SVRL.

4. It is contended on behalf of the petitioners that they are also directors on the Boards of other companies which are active and fully

functional.

4.1 The submission, therefore, is that the inclusion of the name of the petitioners in the list of directors disqualified for Financial Years 2014 to 2016, i.e. (annexure P-1) is impacting their role as directors in those companies which are active and functional.

4.2 The details of these companies have been provided in the petition.

5. Mr. Shukla, who appears on an advance notice says that he would have to take instructions in the matter since the petitioners do not wish to continue their engagement with SVRL.

6. In these circumstances, renotify the matter on 16.5.2018. By which time, Mr. Shukla will file a counter affidavit on behalf of the respondents.

7. In the meanwhile, the operation of the impugned list i.e., (annexure P-1) insofar as it includes the name of the petitioners is stayed till 31.3.2018.

8. In order to facilitate the petitioners functioning as directors qua active and functional companies respondents will re-activate the petitioners' DIN & DSC. This facility is given to the petitioners only till 31.3.2018.

9. By which time, I am told the Division Bench No.1 would have heard the matter pending before it which deals with a similar issue....”

2 Time was given to the counsel for the official respondents to file their counter affidavit in the matter. Counter affidavit has not been filed. Mr. Shukla, however, says that the assertions made by the

petitioner could be inquired by ROC.

3 In these circumstances, the writ petition is disposed of with a direction to the ROC to enquire into the assertions made by the petitioner with regard to his stand that he has disputes with other directors of SVRL, whose names are set out in the order dated 27.02.2018. Pending the inquiry, the directions issued qua the petitioner in paragraphs 7 & 8 of the order dated 27.02.2018, will continue to operate. The ROC will, however, be at liberty to vary or withdraw the facilities given to the petitioner, in case the situation demands passing of such an order.

4 Writ petition is disposed of in the aforesaid terms.

5 Pending application shall stand closed.

RAJIV SHAKDHER, J

MAY 16, 2018

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