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

Judgment pronounced on: 26 February 2018

+ W.P. (C) 1777/2018, CM APPL.7375-7376/2018
ASHOK KUMAR AGRAWAL & ANR Petitioners

Through: Mr. Saurabh Kalia with Mr.
Siddhartha Nagpal, Advocates.

versus

UNION OF INDIA & ANR Respondents

Through: Mr. Manish Mohan, CGSC for
UOI with Mr. Shubham Pundir and Ms.
Manisha Saroha, Advocates.

CORAM:-

HON'BLE MR. JUSTICE RAJIV SHAKDHER

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CM APPL.7376/2018 (exemption)

1. Allowed, subject to all just exceptions.

W.P. (C) 1777/2018, CM APPL.7375/2018 (seeking stay)

2. Issue notice. Mr. Manish Mohan accepts notice on behalf of respondents. Since counsel for the petitioners seek to place reliance on judgment of another Single Judge of this Court in W.P.(C) 10659/2017, dated 20.12.2017, titled: *Navneet Kumar Kohli and Others v. Union of India and Anr*, no purpose would be served in filing the counter affidavit. This is so especially in view of the fact

that the stand of the respondents is no different which was taken in *Navneet Kumar Kohli (supra)*.

3. Briefly, the facts obtaining in this case are as follows. The petitioners were appointed as directors on the board of the company known as Jhanji Batteries Pvt. Ltd. (in short 'JBPL'). The name of JBPL was, however, removed from the Register of Companies on account of its failure to file financial statements and requisite returns for a period of more than three years.

3.1 I am informed by the counsel for the petitioner that apart from JBPL, there is another company which is M.J. Finvest Pvt. Ltd. whose name has also been removed from the Register of Companies.

3.2 Apart from these two companies, counsel for the petitioners says that the other companies are active and fully functional.

3.3 For this purpose, my attention has been drawn to pages 68-72 of the paper book.

4. It is the case of the petitioner that no prior notice was given before including their names in the list comprising of disqualified directors.

4.1 Furthermore, petitioners' claim that inclusion of their names in the impugned list (i.e., Annexure P-1) has impeded their role as directors *qua* companies which are active and fully functioning.

5. Accordingly, counsel for the petitioner says that they would like to prefer an appeal to the National Company Law Tribunal under Section 252 of the Companies Act, 2013 (in short “the Act”).

5.1 Furthermore, counsel for the petitioners says that the petitioners wish to avail the benefit of the Condonation of Delay Scheme, 2018 (in short “the Scheme”).

6. Having regard to the aforesaid, the writ petition is disposed of with the liberty to the petitioners to file the appeal with the National Company Law Tribunal and file an appropriate application under the Scheme to avail all its benefits.

7. Counsel for the petitioners, however, undertake to take steps for filing the appeal and an application under the Scheme within a period of two weeks from today.

8. In view of the above undertaking given by the counsel for the petitioners, the operation of the impugned list insofar the petitioners are concerned shall remain stayed till 31.3.2018. Furthermore, respondents will also activate the DIN and DSC of the petitioner. This facility, however, is granted with the caveat that the petitioners will take requisite steps, as indicated above, within a period of four weeks.

9. No costs.

RAJIV SHAKDHER, J

FEBRUARY 26, 2018/vikas/