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

Judgment pronounced on: 5.3.2018

\+ W.P.(C) 2027/2018

RAHUL SAHGAL ..... Petitioner

Through: Mr. Sandeep Bisht, Advocate.

versus

UNION OF INDIA AND ANR. ..... Respondents

Through: Ms. Shiva Lakshmi, CGSC with Mr. Ruchir Ranjan Rah, Mr. Siddharth Singh and Ms. Mahima Singh, Advocates.

CORAM:-
HON'BLE MR. JUSTICE RAJIV SHAKDHER
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RAJIV SHAKDHER, J. (ORAL)

CM No. 8389/2018 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 2027/2018 & CM No. 8388/2018 (Stay)

2. Issue notice.

3. Ms. Shiva Lakshmi, CGSC, accepts notice on behalf of respondents.

4. Counsel for the petitioner says that issue raised in the present writ petition is similar to the issue which arose before the Division Bench in *Prem Prakash Sethi and Anr. v. Union of India and Anr*.

5. Copy of order dated 10.01.2018, passed in *Prem Prakash Sethi and Anr. v. Union of India and Anr*. has been placed before me. To be noted, the said order was passed in WP(C) No. 126/2018.

6. In view of the situation obtaining, the counsels submit that the writ petition can be disposed of at this stage itself.

7. Briefly, the facts obtaining in this case are as follows:-

(i) The petitioner's name was included in the list of disqualified directors for the financial years 2012-2014 as the company qua which he was appointed as a director, i.e. Annik Systems Private Ltd.(in short "ASP") had its name struck off from the Register of Companies.

(ii) According to the petitioner though ASP had filed its Income Tax returns and Service Tax returns for financial year 2015-2016, though it failed to file its filing its financial statements and annual returns for the financial years 2012-2014.

(iii) It appears that because of this reason, ASP's name was struck off from the Register of Companies. Counsel for the petitioner says that the petitioner wishes to revive ASP and for that purpose, has lodged an appeal vide diary no. 1651/2018 on 22.02.2018 with the NCLT under

Section 252(1) of the Companies Act, 2013 (herein after "the Act").

(iv) Furthermore, counsel for the petitioner says that the petitioner wishes to avail the benefit of the Condonation of Delay Scheme, 2018 (herein after 'the Scheme") framed by the respondents. It is in this context that the learned counsel has referred to in *Prem Prakash Sethi (*supra)

8. Accordingly, the appeal is disposed of with the direction that the directives contained in *Prem Prakash Sethi* (supra) will apply *mutatis mutandis* to the petitioner herein as well.

9. The petitioner will prosecute his appeal with NCLT. The NCLT will endeavour to dispose of the appeal at the earliest given the fact that the Scheme expires on 31.03.2018.

9.1 In case, it is not possible for NCLT to dispose of the appeal before the said date for the reasons under the Act. The respondent will, as indicated in *Prem Prakash* Sethi (supra), extend the tenure of the Scheme.

9.2 Furthermore, in such time, if NCLT disposes of the appeal and a request of the petitioner, if any, made under the Scheme is deliberated upon, the operation of the impuged list (Annexure P1) in so far as it includes the name of petitioner shall remain stayed.

10. It is, however, made clear that the petitioner will have the appeal listed, at the earliest, before the NCLT and make an application under the Scheme expeditiously. The needful will be done by the petitioner within 10 days from today.

11. No other directions are called for.

12. Writ petition is accordingly disposed of.

13. The pending applications stand closed.

14. *Dasti.*

RAJIV SHAKDHER, J

MARCH 05, 2018

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