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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P. (C) 2359/2018, CM APPL.11949/2018

MR. ANIL KOHLI

..... Petitioner

Through: Mr. Samaksh Goyal, Advocate.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Vinod Diwakar, CGSC for UOI with
Mr. Sanjay Pal, Advocate, for R-1&2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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23.03.2018

1. In the captioned writ petition, the petitioner claims to have served as a Director on the Board of Ecoware Industries Private Limited ("EIPL") from 1997 to 2007. EIPL's name was struck off from the Register of Companies due to failure to file financial statements and statutory returns for three consecutive years.

1.1 Counsel for the petitioner submits that the petitioner resigned from the Board of EIPL in 2007 and that after his resignation, one, Mr. Bansi Lal took over the management of EIPL.

1.2 It is the petitioner's case that the requisite forms regarding cessation of Directorship of the petitioner, to be filed by EIPL, were not filed.

2. It is, thus, the petitioner's case that owing to the non compliance, his name was included in the list of disqualified Directors.

3. Clearly, this appears to be a case of non-compliance. Resultantly, good management of EIPL has become a casualty; filing financial

statements and statutory returns is one such example.

4. In these circumstances, the petitioner is given liberty to approach the ROC. The petitioner will make his representation before 28.03.2018. The ROC will hear the petitioner on 29.03.2018 and pass a speaking order on before 31.03.2018. A copy of the order will be furnished to the petitioner.

5. In the meanwhile, the petitioner's DIN and DSC shall be activated and the impugned list, insofar it includes his name, shall remain stayed.

RAJIV SHAKDHER, J

MARCH 23, 2018

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