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

\+ W.P.(C) 3100/2018 & CM Nos. 12341-12342/2018

SAURABH KUMAR ..... Petitioner
Through: Mr. Rajeev Ranjan Pandey, Adv.

versus

UNION OF INDIA & ORS. ..... Respondents
Through: Mr.Dev P. Bhardwaj, Adv. for R-1 &2

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

<u>O R D E R</u>

% 28.03.2018

1. Learned counsel for the petitioner submits that the Division Bench-I has passed interim directions which permit the companies that do not seek revival and are desirous of having their names being voluntarily struck off from the Registrar of Companies to avail the benefit of Condonation of Delay Scheme, 2018 (in short "Scheme") as the scheme is expiring on 31.03.2018. The steps that these companies would take in this behalf would be without prejudice to the rights and contentions of the parties before the Division Bench which includes the official respondents.

2. Furthermore, I am informed that the Division Bench has also directed such companies to create a fixed deposit in the sum of Rs. 30,000/- which would have an initial tenure of six (6) months. The FDRs, so generated, would have to be filed with Registry of this Court on or before 07.4.2018.

3. I am also informed that this would be in addition to all other charges that are required to be paid under the scheme.

4. Learned Single Judge of this Court has also passed interim orders in certain Writ Petitions broadly, on the following lines:

(a) The operation of the list of disqualified Directors in so far as the writ petitioners are concerned shall remain stayed.

(b) The DIN and DSC of the writ petitioners, who are on the Board of companies whose names have been struck off from the register of companies shall stand activated.

5. Therefore, having regard to the aforesaid, the writ petition is disposed of in terms of the following directions:

(i) The operation of list of disqualified Directors is so far as the inclusion of the name of the writ petitioner is concerned, shall remain stayed.

(ii) The DIN and DSC of the writ petitioner will stand activated.

(iii) The writ petitioner will have liberty to apply under the Condonation of Delay Scheme 2018 (hereafter "Scheme"). Permission is granted to make the requisite filings in the form of hard copies.

(iv) The writ petitioner will deposit a sum of Rs. 30,000/- qua each such company. The said amount will be deposited in the form of Fixed Deposit Receipt (FDR) with the Registry of this Court on or before 07.4.2018. The FDR will be created in favour of the ROC.

(v) The amount deposited by way of FDR, as adverted to in clause(iv), will be in addition to other charges that would be payable under the Scheme. These sums will be deposited in the form of FDR as well. The writ petitioner will also furnish their calculations in that behalf.

6. As directed by the Division Bench in the above referred order, it is clear that so far as the deposits under the CODS-2018 Scheme are concerned, the same have to be made by and on behalf of the Company concerned. As such, the payment or deposit by the petitioner shall be treated to have been made for and on behalf of the company. Other Directors would not be required to duplicate the payments even though they may have filed separate writ petitions.

7. The writ petitioner will abide by the Division Bench-I order dated 21.3.2018, passed in a batch of writ petitions, the lead petition being W.P.(C) 9439/2017, titled: *Atul Khosla & Anr. v. Union of India and Ors*.

8. Liberty, however, is given to the petitioner(s) and the official respondents to revive the petition, in case, there are issues which are not covered by the Division Bench judgment.

9. Needless to say, the disposal of the writ petition will not come in the way of the official respondents presenting their point of view before the Division Bench.

10. Pending application(s), if any, shall stand closed.

Dasti under the signatures of the Private Secretary.

NAVIN CHAWLA
(VACATION JUDGE)

MARCH 28, 2018
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