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

Judgment decided on: 12.03.2018

+ W.P.(C) 2240/2018 & CM No.9220/2018

AJAY LUTHRA & ORS Petitioners

Through: Appearance not given.

versus

REGISTRAR OF COMPANIES NCT OF DELHI
& ANR Respondents

Through: Mr. Ajay Digpaul, CGSC with Mr.
Vikram Jetly, CGSC and Ms.
Madhuri Dhingra, Advocate for
UOI.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

RAJIV SHAKDHER, J (ORAL)

C.M. No.9219/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 2240/2018 & CM No.9220/2018

2. Issue notice.

3. Mr. Ajay Digpaul accepts notice on behalf of respondents. The petitioners are aggrieved by the fact that they have been disqualified on account of failure of the company namely, V.P. Fabrication Private Limited, on whose Board they are Directors, in filing its annual statements and financial returns for a period of more than 3 years.

3.1 It is the stand of the petitioners that they do not wish to revive the aforementioned company and that they would like to avail the benefit of the Condonation of Delay Scheme, 2018 (in

short “the Scheme”). It is further stated that though the aforementioned company was incorporated on 05.02.2007, it has not carried out any business since its incorporation.

3.2 However, it is also averred that the last annual returns/ financial statements concerning the aforementioned company were filed for the financial year ending on 31.03.2010.

4. In these circumstances, the writ petition is disposed of with liberty to the petitioners to approach the ROC under the Scheme and to make a request to him for enabling them to take recourse to the provisions of Section 248 (2) of the Companies Act, 2013.

4.1 The petitioners will, therefore, take requisite steps and file all relevant documents as they may be required to do so with the ROC, within 2 weeks from today.

5. Upon requisite steps being taken, the ROC will consider the request of the petitioners in accordance with law. In order to facilitate, this exercise, the inclusion of the petitioners’ names in the list of disqualified directors for financial years 2012 to 2014 is stayed till 31.03.2018. Since, requisite forms would have to be uploaded via the internet, the petitioners’ DSC and DIN will also be activated by the respondents till 31.03.2018.

6. The writ petition is disposed of in the aforesaid terms.

RAJIV SHAKDHER
(JUDGE)

MARCH 12, 2018
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