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

Judgment pronounced on: 12th March, 2018

+ W.P.(C) 2274/2018

NIKHIL BANSAL

..... Petitioner

Through

Mr. Anurag Sharma, Adv.

versus

UNION OF INDIA & ANR

..... Respondents

Through

Mr. Vinod Diwakar, CGSC
with Mr. Sanjay Pal, Adv.

CORAM

HON'BLE MR. JUSTICE RAJIV SHAKDHER

RAJIV SHAKDHER, J. (ORAL)

CM No.9422/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 2274/2018

2. This is a peculiar case where notice dated 21.03.2017 was served upon a company by the name: Benson Mining & Minerals Private Limited (in short 'company').

2.1 A reply was sent stating therein, clearly, that on account of inadequacy of capital and financial crunch, the company was agreeable to its name being struck off from the Register of Companies. In this behalf my attention is drawn to the communication dated 20.04.2017 sent by the company in response to notice dated 21.03.2017.

2.2 Pertinently, via its reply, the company had undertaken to take all necessary steps, which included the filing of relevant documents to enable the ROC to strike off its name from the Register of Companies.

3. The ROC, it appears, instead of giving the company an opportunity of voluntarily striking off its name from the Register of Companies, passed an order to that effect and as a necessary consequence had the petitioner's name included in the "list of disqualified Directors" for financial years 2014-2016.

4. The petitioner is aggrieved by the impugned action and therefore, seeks issuance of a direction similar to those which were issued by another Single Judge of this Court in the judgment dated 16.02.2018, passed in *W.P.(C) 1433/2018*, titled: *Kunal Khatri vs. Union of India & Ors.* Counsel for the petitioner says that the petitioner will take requisite steps for having the name of the company voluntarily struck off from the Register of Companies and shall also take requisite steps to avail benefits granted under the Condonation of Delay Scheme, 2018 (in short 'scheme').

5. Having regard to the submissions made by the learned counsels and given the fact that similar directives have been issued in several cases including the one cited above, I am inclined to dispose of the petition with the direction that the petitioner will take requisite steps and file relevant documents within a period of 10 days from today for having the company's name voluntarily struck off from the Register of Companies with the ROC in accordance with the provisions of Section 248 (2) of Companies Act, 2013. Likewise, the petitioner will also

take requisite steps, within the time frame stipulated above, in consonance with the provisions of the scheme.

5.1 Accordingly, pending the consideration of petitioner's request, the operation of the impugned "list of disqualified directors" qua the petitioner shall remain stayed.

5.2 Furthermore, since, the petitioner says that he is a Director on the Board of other companies which are active and fully functional, and the inclusion of his name in the impugned list of disqualified directors, is impeding his role as Director on the Board of the said companies, thereby the respondents shall activate his DIN and DSC.

5.3 It may be noted that assertion to this effect has been made in paragraph 6 of the writ petition. I am also shown in this behalf the details downloaded from the website of Ministry of Corporate Affairs. The same is taken on record. The Registry will scan and upload the same.

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

7. *Dasti.*

CM No.9421/2018

8. Consequently, the captioned application shall stand closed.

RAJIV SHAKDHER, J

MARCH 12, 2018

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