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

+ W.P.(C) 2437/2018 and CM No.10116/2018

% Date of decision : 23rd March, 2018

VIVEK KHANNA

..... Petitioner

Through : Mr. Alok Kumar Kuchhal, Mr.
Manish Jain and Ms. Chanchal
Yadav, Advs.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through : Ms. Maninder Acharya, ASG
with Mr. Amit Mahajan, CGSC.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. The petitioner was the Director of Crystal Academy Private Limited. The Director of the company had submitted his resignation to the Board of Directors on 27th March, 2009. However, the Board of Directors failed to file Form 32 with the Registrar of Companies.
2. The writ petitioner *inter alia* seeks quashing of the notices dated 6th September, 2017 and 12th September, 2017 issued by the Ministry of Corporate Affairs at New Delhi.
3. At the time of issuance of notices in this writ petition, we had granted interim stay of the impugned notices. As a result the DIN

number of the petitioner was restored.

4. In this background, the petitioner had ceased to be the Directors of the company, as stated by him, on 27th March, 2009 and could not have been penalized for the failure of the company to effect statutory compliances.

5. In view of the above, it is directed as follows :

(i) The respondents shall forthwith take steps for removal of the petitioner's name from the list of disqualified directors.

(ii) The orders to this effect would be posted on the website and shall also be communicated to the petitioner within two weeks from today.

(iii) It is clarified that this would not preclude the Registrar of Companies from passing a fresh order disqualifying the petitioner, if any material is found or produced before the ROC to indicate that the petitioner's statement that the petitioner had never consented to act as a Director of the Company, is false, or any material is produced which establishes that the petitioner had acted as a Director of the Company in any manner.

6. This writ petition is allowed in the above terms.

Dasti.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

MARCH 23, 2018

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