$~147

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

\+ W.P.(C) 2358/2018 with CM. APPL. 9907/2018

BHARAT BHUSHAN SOOD AND ANR. ..... Petitioner

Through: Mr. Himanshu Harbola, Adv.

versus

REGISTRAR OF COMPANIES AND ORS. ..... Respondent

Through: Ms. Maninder Acharya, ASG with Mr. Kirtiman Singh, CGSC.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

O R D E R

% 22.03.2018

1. In this matter, I am informed by the learned ASG that the issues raised in the captioned matter are similar to those issues which have been raised before Division Bench-I in various matters pending before it.

2. Counsels for writ petitioners are agreed that the interim directions passed by this court and those which have been passed by the Division Bench can form the basis of the disposal of the present writ petition with a right to revive the captioned petition, in respect of those issues which are not addressed by the Division Bench judgment.

3. Accordingly, the captioned writ petition is disposed of with the following directions:-

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

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

(iii) The writ petitioner(s) 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(s) will deposit a sum of Rs. 30,000/- qua each such company *vis-a-vis* whom steps for voluntary striking off are required to be taken. The said amount will be deposited in the form of Fixed Deposit Receipt (FDR) with the Registry of this court on or before 07.04.2018. 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(s) will also furnish their calculations in that behalf.

4. The writ petitioner(s) will abide by the Division Bench-I order dated 21.03.2018, 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.*

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

6. 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.

7. To be noted, even though counsel for petitioner(s) submitted that they wish to avail of benefit of CODS 2018, there is no such assertion in the Writ Petition.

7.1 Therefore counsel for petitioner(s) will file an affidavit to that

effect with registry of this court. The affidavit, interalia, would state that the petitioner(s) would want to avail CODS 2018, and that they have not done business for the past three years and that no bank account has been operated.

7.2 The affidavit shall be filed on or before 07.04.2018.

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

RAJIV SHAKDHER, J

MARCH 22, 2018/c