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

CM APPL. 24638/2018 in

+ W.P.(C) 2784/2018

PRAVESH RANA AND ANR. Petitioners
Through Mr. Vijay Kasana, Mr. Nikhil
Verma and Mr. Rishabh Jain, Advs.

versus

UNION OF INDIA AND ORS. Respondents
Through Mr. Farman Ali and Mr.
Nitish Gupta, Advs. for Mr. Ravi
Prakash, CGSC for R-1 to 3

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER

% 01.06.2018

CM APPL. 24638/2018 (for modification)

1. Issue notice of this application to the respondents.
2. Mr. Farman Ali, learned counsel accepts notice for respondents.
3. The applicants have pointed out that an error has crept in order dated 11th May, 2018 wherein after noting the petitioners' submissions that the petitioners had already approached the National Company Law Tribunal (NCLT) during the pendency of the CORDS 2018, the order does not permit the applicant to comply with the CORDS 2018 after the passing of the orders by the NCLT. There is substance in these submissions.

4. In view thereof, the order dated 11th May, 2018 is recalled.

5. The application stands disposed of.

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6. The writ petitioners complains that they had been appointed as a Director in a company registered under the name and style of Talent4assure Consulting Services Pvt. Ltd. (hereinafter referred to as the 'Company'). The company failed to submit Form 32 regarding his resignation in accordance with the provisions of the erstwhile Companies Act, 1956 with the Registrar of Companies-respondent no.2.

7. This writ petition has been necessitated inasmuch as the respondent no.1, on the 6th of September, 2017 and 12th September, 2017 notified a list of directors who have been disqualified under Section 164(2)(a) of the Companies Act, 2013 as directors with effect from 1st November, 2016. To the petitioners' shock, they found their name featuring in this list. As a result, the petitioners stand prohibited from being appointed or re-appointed as a director in any other company for a period of five years.

8. Issue notice to the respondents. Mr. Farman Ali, learned counsel accepts notice on behalf of the respondents.

9. It is submitted that in the above facts and circumstances of the case that the petitioners have resigned from the directorship of the company in question, the petitioners would not incur a disqualification under Section 164 of the Companies Act. Consequently, the disqualification of the petitioners as notified in

the lists dated 6th September, 2017 and 12th September, 2017 by the respondent no.1 was incorrect and illegal.

This position is not disputed by the respondents.

10. In view of the above, the disqualification of the petitioners as notified in the impugned list as disqualification of the petitioners as a director of the company and the resultant prohibition under Section 164(2)(a) by virtue of the petitioner's name featuring in the list dated 6th and 12th September, 2017 is hereby set aside and quashed. The respondent no.2 shall also ensure that its records are properly rectified to delete the name of the petitioners from the lists dated 6th September and 12th September, 2017. Action in this regard shall be positively taken within a period of two weeks from today. Name of the petitioners, as directors, shall be removed from all records of the respondent no.2 in the Ministry of Corporate Affairs.

11. The writ petition is disposed of in the above terms.

12. In view of the above, the next date i.e. 24th July, 2018 stands cancelled.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

JUNE 01, 2018
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