

\$~28

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P. (C) 2429/2018, CM APPL.10098-10099/2018

SUSHMA NANDA

..... Petitioner

Through: Mr. Ankur Garg, Advocate.

versus

UNIONO OF INDIA & ANR

..... Respondent

Through: Ms. Maninder Acharya, ASG with
Mr. Vivek Goyal, CGSC.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

22.03.2018

%

1. This is a matter in which I had passed an interim order on 15.3.2018. The net effect of the order passed on 15.3.2018 was that the operation of the list of disqualified directors insofar as it concerned the petitioner, was stayed. Furthermore, the official respondents were also directed to activate the DIN and DSC of the petitioner.

2. Learned counsel for the petitioner says that the petitioner and her husband Late Shri Harish Chander Nanda were the only directors on the Board of the company by the name: DRF Healthcare Pvt. Ltd. (in short "DHPL").

3. Counsel for the petitioner further says that no business has been carried on by DHPL, since 2010.

3.1 Furthermore, I am informed that the bank accounts of DHPL stand closed since 28.1.2011. It appears that since the petitioner did not take care to file the requisite financial statements and returns *qua* DHPL, its name was struck off from the Register of the Companies. As a result thereof, the petitioner's name was included in the list of disqualified directors.

4. Having regard to the aforesaid facts and circumstances, the writ petition is disposed of with the following directions: -

- (i) The petitioner is given liberty to apply under Condonation of Delay Scheme, 2018 ("Scheme"). The petitioner will take requisite steps in this behalf. This will, however, be without prejudice to the rights and contentions of the petitioner and the official respondents.
- (ii) The petitioner will also deposit with the Registry of this Court on or before 7.4.2018, a sum of Rs.30,000/- in the form of an FDR. The initial tenure of the FDR will be a period of six months.
- (iii) In addition thereto, the petitioner will also deposit other sums as may required under the Scheme.
- (iv) The petitioner will be at liberty to place on record the calculations with regard to the amounts deposited with the Registry of this Court.
- (v) The aforesaid directions will be subject to the final decision of the Division Bench rendered in a batch of writ petitions, the lead petition being W.P.(C) 9439/2017.

The petitioner agrees that she will be bound by the final decision of the Division Bench.

(vi) Leave is, however, given to both the petitioner as well as the official respondents to approach this Court in case any aspect of the matter is not covered by the decision of the Division Bench.

5. Given the peculiar circumstances of the case, the ROC will without prejudice to his rights and contentions accept the filings made by the petitioner who, as indicated above, the only surviving Director.

MARCH 22, 2018
/vikas/

RAJIV SHAKDHER, J