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

\+ W.P.(C) 2720/2018, CM APPL.11040/2018

RAJINDER MOHAN SODHI AND ANR. ..... Petitioners
Through: Mr. Rishabh Jain, Advocate.

versus

UNION OF INDIA AND ORS. ..... Respondents
Through: Ms. Maninder Acharya, ASG with Mr. Vikram Jetely, CGSC.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

<u>O R D E R</u>

% **22.03.2018**

1. In this matter, on 21.3.2018, I passed an interim order to the effect that the operation of the list of disqualified directors insofar as it applies to the petitioners, shall remain stayed. Furthermore, a direction had been issued to the official respondents to activate the petitioners' DIN and DSC.

2. Mr. Rishabh Jain, who appears for the petitioners, says that they wish to approach the NCLT for reviving RMS Associates Pvt. Ltd. (in short "RMSA").

3. To be noted, RMSA was struck off from the Register of Companies by the ROC upon its failure to file the requisite financial statements and returns. The petitioners, I am told, were appointed as Directors on the Board of RMSA.

4. In view of the fact that the petitioners wish to approach

the NCLT to revive RMSA in consonance with the provisions of Section 252 of the Companies Act, 2016, the learned ASG submits that the ROC will not oppose the revival provided the appeal is filed before 31.3.2018.

5. Having regard to the aforesaid, the writ petition is disposed of giving liberty to the petitioners to approach the NCLT by way of an appeal.

6. The interim order dated 21.3.2018 will continue to operate till such time the appeal is disposed of by the NCLT. Needless to say if the petitioners fail to file an appeal within the timeline given above, or fails in persuading the NCLT to revive the RMSA, the interim order dated 21.3.2018 would stand dissolved automatically. This direction would also apply if the petitioners fail to take requisite steps under the Condonation of Delay Scheme, 2018 ("Scheme") after it is ordered to be revived by NCLT.

RAJIV SHAKDHER, J

MARCH 22, 2018
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