

\$~57

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P. (C) 2903/2018, CM APPL.11739-11740/2018

MUKESH AGGARWAL

..... Petitioner

Through: Mr. Febin M. Varghese and Mr. Dhiraj
Philip, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms. Shiva Lakshmi, CGSC for UOI.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

23.03.2018

%

1. In the captioned writ petition, the petitioner was appointed as a Director on the Board of Experience Promoters Private Limited (“EPPL”) whose name was struck off from the Register of Companies due to failure to file financial statements and statutory returns for three consecutive years.
 - 1.1 Counsel for the petitioner submits that the non-compliance was due to a dispute between the petitioner and respondent no.3, who was also appointed as a Director on the Board of EPPL.
 - 1.2 Furthermore, it is submitted by the petitioner’s counsel that in 2013, serious disputes and differences arose between the two directors of the Company, i.e. Petitioner and Respondent No. 3 on account of the criminal threats made to the Petitioner by Respondent No. 3.
2. It is, thus, the petitioner’s case that owing to the non compliance, his name was included in the list of disqualified Directors.
3. Clearly, there appears to be an inter se dispute between the

Directors of EPPL. Resultantly, good management of EPPL has become a casualty; filing financial statements and statutory returns is one such example.

4. In these circumstances, the petitioner is given liberty to approach the ROC. The petitioner will make his representation before 28.03.2018. The ROC will hear the petitioner on 29.03.2018 and pass a speaking order on before 31.03.2018. A copy of the order will be furnished to the petitioner.

5. In the meanwhile, the petitioner's DIN and DSC shall be activated and the impugned list, insofar it includes his name, shall remain stayed.

RAJIV SHAKDHER, J

MARCH 23, 2018

/vikas/