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

\+ W.P.(C) 2918/2018

NEERAJ SHARMA AND ANR ..... Petitioners

Through Mr. Ketan Madan and Mr. Himanshu Harbola, Advs.

versus

REGISTRAR OF COMPANIES AND ORS ..... Respondents

Through Ms. Maninder Acharya, ASG with Mr. Vikram Jetly, Adv. for UOI

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

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

% **23.03.2018**

1. Learned ASG says that the Division Bench-I has passed interim directions which permit the companies that do not seek revival and are desirous of having their names being voluntarily struck off from the Register of Companies to avail the benefit of Condonation of Delay Scheme, 2018 (in short "Scheme") as the scheme is expiring on 31.3.2018. The steps that these companies would take in this behalf would be without prejudice to the rights and contentions of the parties before the Division Bench which includes the official respondents.

2. Furthermore, I am informed that the Division Bench has also directed such companies to create a fixed deposit in the sum of Rs. 30,000/- which would have an initial tenure of six (6) months. The FDRs, so generated, would have to be filed with the Registry of this court on or before 07.4.2018. 2.1 I am also informed that this would be in addition to all other charges that are required to be paid under the Scheme.

3. In the aforementioned matters, interim orders have also been passed by

me, broadly, on the following lines:

(a) The operation of the list of disqualified directors in so far as the writ petitioners are concerned shall remain stayed.

(b) The DIN and DSC of the writ petitioners, who are on the Boards of companies whose names have been struck off from the register of companies shall stand activated.

4. Therefore, having regard to the aforesaid, the writ petition is disposed of in terms of the following directions:

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

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

(iii) The writ petitioners 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 petitioners 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 petitioners will also furnish their calculations in that behalf.

5. The writ petitioners 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.

6. 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.

7. 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.

8. 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.

8.1 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.

8.2 The affidavit shall be filed on or before 07.04.2018.

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

10. Dasti under the signatures of Court Master.

RAJIV SHAKDHER, J

MARCH 23, 2018
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