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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 3097/2018 & CMs 12336/2018, 12337/2018
RAM MOHAN GUPTA & ORS. Petitioners
Through: Mr.Manmohan Shringirishi, Adv.

versus

UNION OF INDIA & ANR. Respondents
Through: Mr.Anil Soni, CGSC with Mr.Abhinav
Tyagi, Adv.
Mr.Kirtiman Singh, Adv. for R-2.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
27.03.2018

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1. Learned counsel for the petitioners brings to my notice order dated 22nd March, 2018 passed by the Division Bench of this Court in WP(C) No. 9439/2017 and other connected petitions whereby interim directions have been passed which permit the companies that do not seek revival and are desirous of having their names being voluntarily struck off from the Registrar 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 Registry of this Court on or before 07.4.2018.

3. I am also informed that this would be in addition to all other charges that are required to be paid under the scheme.

4. Learned Single Judge of this Court has also passed interim orders in certain Writ Petitions 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 Board of companies whose names have been struck off from the register of companies shall stand activated.

5. 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 name 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. The said amount will be deposited in the form of Fixed Deposit Receipt (FDR) with the Registry of this Court on or before 07.4.2018. 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 petitioner will also furnish their calculations in that behalf.

6. The writ petition will abide by the Division Bench-I order dated 21.3.2018, 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.*

7. Liberty, however, is given to the petitioner(s) and the official respondents to revive the petition, in case, there are issues which are not covered by the Division Bench judgment.

8. 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.

9. The petitioner Nos.1 and 2 further submit that they are interested in reviving M/s Unicorn Fincop Pvt. Ltd. and for this purpose, they pray for leave to withdraw their petition in so far as prayer 'e' is concerned to take appropriate remedies before the National Company Law Tribunal in this regard. The petition, as far as prayer 'e' is concerned shall stand dismissed as withdrawn with liberty as prayed for.

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

Dasti under the signatures of the Court Master.

NAVIN CHAWLA
(VACATION JUDGE)

MARCH 27, 2018
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