

\$~40

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of pronouncement: 18.04.2018

+

W.P.(C) 3760/2018

SANDEEP KUMAR GUPTA AND ANR Petitioners

Through: Mr. Ajay Brahme, Adv.

versus

UNION OF INDIA AND ANR

..... Respondents

Through: Mr. Bhagvan Swarup Shukla, CGSC
with Mr. Kamaldeep, Adv. for R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

%

17.04.2018

RAJIV SHAKDHER, J. (ORAL)

CM No. 14925/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 3760/2018 & CM No. 14924/2018

2. Issue notice. Mr. Shukla accepts notice on behalf of the official respondents. In view of the order that I propose to pass, Mr. Shukla says that he does not wish to file a counter-affidavit.

3. It is the petitioners' case that they were appointed as Directors on the Board of company by the name Dook Consulting Services Private Limited (in short 'DCSL'). Furthermore, the petitioners aver that apart from them, there are two other Directors on the Board of DCSL. The other two persons are: Mr. Dharendra Pratap Singh and Mr. Rajendra Singh Chauhan.

4. The petitioners submit that because of *inter se* disputes between the two groups, statutory returns and financial statements could not be filed which resulted in the name of DCSL being removed from the Register of Companies.

4.1 As a consequence of this circumstance, the names of the petitioners were included in the list of disqualified directors for financial year 2013 to 2015.

4.2 For this purpose, my attention has been drawn to Annexure P-1 of the paper book. A perusal of the said annexure would show that not only the names of the petitioners were included in the list of disqualified directors but the names of the other two directors, i.e., Mr. Dhirendra Pratap Singh and Mr. Rajendra Singh Chauhan have also been included in the said list.

4.3 The petitioners further claim that apart from DCSL, they are also directors of the Board of the following companies, i.e., Dook Travels Private Limited and Wat Consulting Services Private Limited. It is, therefore, the petitioners' assertion that because of a management dispute, their role as directors on the Boards of the aforementioned companies which are active and functional is getting impacted.

4.4 In order to establish that there is a dispute between the petitioners and the other two directors, my attention has been drawn to paragraph 10 of the petition wherein there is a reference to the fact that proceedings with regard to the allegation of mismanagement and oppression qua the petitioners is pending adjudication before the National Company Law Tribunal (in short 'NCLT') at Delhi. It is averred that the company petition pending before the NCLT is numbered as 54(ND)/2014 and is titled: *Dhirendra Pratap Singh vs. Dook Consulting Services Private Limited*.

5. It is in the background of these facts and circumstances that the petitioners have approached this Court for relief.

6. Mr. Shukla, who appears for the official respondents, submits that in view of the fact that there is a dispute with regard to those who claim to manage DCSL, the matter could be remitted to the ROC who would look into the assertions and then take a decision in the matter with regard to the reliefs claimed by the petitioners.

7. I find merit in the submission made by Mr. Shukla. Accordingly, the writ

petition is disposed of with the following directions:

- (i) The petitioners will appear before the ROC on 25.04.2018 at 11 am.
- (ii) The ROC will hear the petitioners and thereafter pass a speaking order.
- (iii) In case the petitioners are aggrieved by the order passed by the ROC, they would have liberty to assail the same in the manner known to law.
- (iv) Pending the adjudication by the ROC, the DIN and DSC of the petitioners will be activated. Furthermore, the impugned list of disqualified directors insofar as it includes the name of the petitioners will also remain stayed.
- (v) The interim directions contained in the paragraph 7(iii) and (iv) above, will remain in operation till such time the ROC passes an order and for a period of two weeks thereafter to enable the petitioners to take recourse to an appropriate remedy, as provided in law, if the need arises for the same.

7. *Dasti.*

RAJIV SHAKDHER, J

APRIL 17, 2018

SRwt

W.P.(C) 3760/2018

page 3 of 3