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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3189/2018

VARINDER PAL SINGH KANDHARI AND ORS. Petitioners

Through: Mr. Kunal Sabharwal, Adv.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Tushar Mathur, Adv. for

Ms. Suparna Srivastava, CGSC for R1-2

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **12.04.2018**

CM No. 14197/2018

1. Issue notice. Mr. Tushar Mathur accepts notice on behalf of the official respondents.

2. This is an application seeking amendment in the prayer clause. The amended prayer clause is adverted to in paragraph 3 of the application. Mr. Tushar Mathur, who appears on behalf of the official respondents, says that he does not oppose the application.

2.1 Learned counsel submits that since the amendment was sought only qua the prayer clause the amended writ petition was not filed.

2.2 The said statement is taken on record.

3. Accordingly, the prayer made in the application is allowed.

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4. With the consent of counsels for the parties, the writ petition is taken up for hearing. To be noted, even otherwise in normal course, the writ petition is fixed for hearing today.

5. In view of the order that I propose to pass, the counsel for the official respondents says that he does not wish to file a counter-affidavit in the matter.

6. In this matter, I am informed by the learned counsel for the official respondents that the issues raised in the captioned matter are similar to issues which have been raised before Division Bench-I in various matters pending before it.

7. Counsel for writ petitioner(s) are agreed that the interim directions passed by this court and those which have been passed by the Division Bench can form the basis of the disposal of the present writ petition with a right to revive the captioned petition, in respect of those issues which are not addressed by the Division Bench judgment.

8. Accordingly, the captioned writ petition is disposed of with the following directions:-

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

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

(iii) The writ petitioner(s) 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 petitioner(s) will deposit, if not already deposited, 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 24.04.2018. 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 petitioner(s) will also furnish their calculations in that behalf.

9. The writ petitioner(s) 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.*

10. 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.

11. 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.

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

RAJIV SHAKDHER, J

APRIL 12, 2018/SRwt