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

+ **W.P.(C) 3397/2018**

GIRISH KUMAR GANGADHARAN Petitioner
Through **Mr. Siddharth Sharma and Ms. Charu Tyagi, Advs.**

versus

UNION OF INDIA AND ANR.Respondents
Through **Ms. Prema Priyadarshini, Adv. for R-1 & 2**

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER
% **09.04.2018**

CM No.13463/2018

1. Allowed, subject to all just exceptions.

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2. Issue notice. Ms. Prema Priyadarshini, accepts notice on behalf of the respondents at the request of the Court. This direction had to be issued as, despite advance notice, there is no representation on behalf of the respondents.

3. It is the case of the petitioner that he was appointed as a Director on the board of the company by the name of GRC Structures Pvt. Ltd. (GRC) along with his wife, namely, Pranamika Nair.

4. It is averred that the shareholding of GRC is equally divided between the petitioner and his wife.

4.1. There are averments made in paragraph 6.2 of the writ petition which show that there is a marital discord obtaining between the petitioner and his wife.

4.2. The petitioner says that on account of the aforesaid situation subsisting, the financial statements and relevant statutory returns of GRC could not be filed with the ROC.

5. It appears that since financial statements and returns were not filed by GRC, the ROC removed its name from the Register of Companies. Consequently, the petitioner and his wife's name has been put in the list of directors disqualified for Financial Years 2014 to 2016.

6. Having regard to the aforesaid contentions, the writ petition is disposed of with the directions to the ROC to consider the representation of the petitioner with regard to removal of his name from the impugned list. The ROC will take into account the fact that there is a marital discord between the petitioner and his wife. If necessary, the ROC will issue notice to the petitioner's wife and seek a response as well. The ROC will pass a speaking order; a copy of which will be furnished to the petitioner and also his wife, if she is summoned for the proceedings by the ROC.

7. Furthermore, since the petitioner claims to be a Director in another company which is active, the operation of the impugned list of disqualified directors qua him is stayed.

7.1. In order to buttress the stand taken on behalf of the petitioner before me that the petitioner is a Director on the Board of an active company my attention has been drawn to page 149 of the paper book. The said document substantiates the fact that the petitioner has been appointed as a Managing Director of GRC Projects Pvt. Ltd., whose status is shown as "Active".

7.2. In addition to above, the petitioner's DIN and DSC shall also be activated in order to enable him function as a Director on the

Board of GRC Projects Pvt. Ltd.

8. For the aforesaid purpose, the petitioner will appear before the ROC on 16.4.2018 at 11.00 a.m. If for any reason, the said date is not convenient to the ROC, he will fix another date with due notice to the petitioner, which would be proximate to the date indicated above.

9. Furthermore, since the Condonation of Delay Scheme, 2018 is expiring on 30.4.2018, the ROC will dispose of the petitioner's representation at the earliest, though, not later than 20.4.2018.

10. The petitioner is given liberty to file a representation before the ROC on or before 16.4.2018. The directions contained in paragraph 7 and 7.2 above will continue to operate till 20.4.2018, with liberty to the ROC to pass suitable orders in that behalf after hearing the petitioner.

11. Needless to say, in case the order passed by the ROC is against the interest of the petitioner, he will have the liberty to take recourse to an appropriate remedy in accordance with law.

12. The petition is disposed of in the aforesaid terms.

13. *Dasti.*

RAJIV SHAKDHER, J

APRIL 09, 2018

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