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

\+ W.P.(C) 3402/2018

RAJESH RAKHEJA ..... Petitioner

Through: Mr. Vishwa Bhushan Arya and Mr. Suresh Kumar, Advs.

versus

UNION OF INDIA AND ORS. ..... Respondent

Through: Mr. Gaurang Kanth, CGSC with Ms. Eshita Baruah, Advs. for UOI.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

O R D E R

% 25.04.2018

W.P.(C) 3402/2018

1. The petitioner has filed the present petition, *inter alia*, impugning the list of disqualified directors published by the official respondents to the extent that it includes the names of the petitioners.

2. The petitioners claim that they were appointed as Directors on the Board of company by the name: Softindigo Solutions Private Limited (hereinafter referred to as "Company"). The petitioners state that the Company has not been carrying on any business. Furthermore, the petitioners state that they had not filed the Company's financial statements and statutory returns as required under the extant provisions of law. The petitioners aver that it is on account of the aforementioned infraction of law that their names came to be included in the impugned list.

2.1 To be noted, this matter was heard on 09.04.2018 wherein the counsel for the petitioner sought time to file an additional affidavit bringing on record as to whether the person is not a petitioner in this writ petition but is a Director on the Board of the subject company is desirous of having its name voluntarily struck off from the Register of Companies.

2.2 it is in this background that the petitioner has filed affidavit dated 23.04.2018.

3. 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 those issues which have been raised before Division Bench-I in various matters pending before it.

4. Counsel for writ petitioner is 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.

5. 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 will deposit, if not deposited already, 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 15.05.2018. 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.

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

7. The writ petitioner 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.*

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. It is made clear that if there is any other company, apart from the subject company mentioned above, whose name has been struck off from the Register of Companies, resulting in the inclusion of the petitioners' names in the impugned list of disqualified directors, then, this order will not come in the way of necessary consequences in law flowing from such circumstance.

10. The Registry is directed to scan and upload the affidavit furnished by the counsel for the petitioner before the Court today.

11. *Dasti* under signatures of the Court master.

RAJIV SHAKDHER, J

APRIL 25, 2018/pmc