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

+ W.P.(C) 3416/2018, CM APPL.Nos.13494-495/2018

MR. RAMESH KUMAR GUPTA Petitioner
Through: Mr. Dhruv Mishra, Adv.

versus

UNION OF INDIA AND ANR. Respondents
Through: Ms. Prema Priyadarshini with
Mr. Ashish Shah, Advs. for R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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25.04.2018

1. It appears that the petitioner's counsel had filed an affidavit on 24.4.2018 vide Diary No.114596 which is not on record. The Registry will have the same placed on record. A copy of the affidavit, however, has been shown to me in Court.

2. A perusal of Paras 5 and 6 of the affidavit shows that Mr. Saim Atman is a foreign national who appears to have left the country. The petitioner claims to be on the Board of Directors of other companies, the details of which are given in Annexure P3 at page 19 and 20 of the paper book.

3. It is the petitioner's stand that because the name of the subject company was removed from the Register of Companies his name got included in the list of disqualified directors.

4. The petitioner is also aggrieved by the fact that his DIN and

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DSC has been deactivated which is impacting his function as directors vis-a-vis active and functional companies.

5. Ms. Prema Priyadarshini, learned counsel who appears on behalf of the official respondents states that it would be appropriate if the matter be remitted to the ROC, who would deal with the assertions made by petitioners.

6. I tend to agree with the submission advanced by the learned counsel for the official respondents.

7. Accordingly, petition is disposed of with the following directions:

(i) The petitioner will appear before the ROC on 27th April, 2018 at 03.00 PM:

(ii) The ROC will hear the petitioner and pass an appropriate order;

(iii) Copy of the order will be furnished to the petitioner;

(iv) Pending the enquiry by the ROC as to whether there is or there is not in reality a management dispute obtaining in NLPL, the operation of the list of disqualified directors insofar as the petitioner is concerned, shall remain stayed. Furthermore, the petitioner's DIN and DSC will be activated.

(v) The ROC, however, will have the power to vary or even withdraw the facility if the situation so demands.

8. No costs.

9. Petition along with all pending applications stand disposed of.

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

11. Dasti under signatures of the Court Master.

RAJIV SHAKDHER, J

APRIL 25, 2018/ak