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

+ **W.P.(C) 3400/2018, CM APPL.Nos.13467-468/2018**

MR. VIJENDRA KISHAN GUPTA Petitioner
Through: **Mr. Dhruv Mishra, Adv.**

versus

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

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER
% **25.04.2018**

1. I am told by the counsel for the petitioner that the affidavit was filed on 21st April, 2018 vide Diary No.114596. The affidavit, it appears, is still not on record. The Registry is directed to have the affidavit placed on record. A copy of the affidavit has been shown to me in Court.

2. In paragraph 5 of the affidavit it is averred by the petitioner that on account of dispute amongst the directors, the subject company i.e. M/s. Nandini Lng Port Limited (NLPL) never commenced its business right from the date of its incorporation. Master data appended to the petition shows that there were, in fact, three directors appointed to the Board of NLPL. The other two directors are, however, not parties to the present petition.

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3. The petitioner claims to be on the Board of Directors of other companies as well, the details of which are given in Annexure P3 at pages 19 and 20 of the paper book.

3.1 It is the petitioner's stand that on account of name of NLPL being removed from the Register of Companies, his name has been included in the list of disqualified directors.

3.2 The petitioner is also aggrieved by the fact that his DIN and DSC has been deactivated by the official respondents.

4. In view of the fact that other directors are not parties to the present proceedings and given the fact that the petitioner is a director on the Board of other active and functional companies, it is argued by the counsel for the official respondents that the matter be placed before the ROC for further deliberation.

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

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

(i) The petitioner will appear before the ROC on 27th April, 2018 at 3.00 PM:

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

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

(viii) 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.

- (ix) The ROC, however, will have the power to vary or even withdraw the facility if the situation so demands.
- 6. No costs.
- 7. Petition along with all pending applications stand disposed of.
- 8. The Registry is directed to scan and upload the copy of the affidavit furnished by the counsel for the petitioner in Court today.
- 9. Dasti under signatures of the Court Master.

RAJIV SHAKDHER, J

APRIL 25, 2018
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