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

+ W.P.(C) 3613/2018 & CM. APPL. No.14285/2018

KALU RAM JAIN Petitioner

Through: Mr. Rishi Sood, Adv.

versus

UNION OF INDIA & ORS Respondent

Through: Mr. Vivek Goyal, CGSC with Mr. Rajeev Ranjan Shahi and Mr. Harsh Pandit, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **23.04.2018**

1. As indicated by this Court on 18.4.2018, consent of Mr. Chandrarasha Shahaji Angre, who is the other director in Surya Protection Services Private Limited and in addition thereto consent of, one, Mr. Dilip Kumar Singh, who I am told, is the Director in Sadhna Publicity Services Private Limited has been obtained by the petitioner, Kalu Ram Jain, and filed along with his affidavit.

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

3. The petitioner claim that he was appointed as a Director on the Boards of companies namely:

- i. Surya Protection Services Private Limited, and,
- ii. Sadhna Publicity Services Private Limited (hereinafter referred to as "Companies").

The learned counsel for the petitioners states that the aforementioned Companies have not carried out any business for the past two years and that their bank accounts has not been operated. Furthermore, the petitioner state that the financial statements and statutory returns, of the companies, as required under the extant provisions of law has not been filed. The petitioner avers that it is on account of the aforementioned infraction of law that his name came to be included in the impugned list.

4. I may only note that a typographical error appears to have crept in paragraph 7 of the petition, as it is averred that petitioner seeks to avail of the benefits of Condonation of Delay Scheme, 2018 (hereafter “Scheme”) qua respondents’ no. 3 to 9 which are active and totally functional companies.

5. 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.

6. 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.

7. 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 Scheme. Permission is granted to make the requisite filings in the form of hard copies.

(iv) The writ petitioner(s) 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 15.5.2018. 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.

8. 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.*

9. 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.

10. 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.

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

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

RAJIV SHAKDHER, J

APRIL 23, 2018/pmc