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

+ W.P.(C) 3548/2018

AMRIT LAL MANWANI

..... Petitioner

Through: Mr. Saurabh Chauhan, Adv. with
Mr. Varun Jain, Adv.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Vikram Jetly, CGSC for R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **11.04.2018**

CM No. 14020/2018

1. Allowed, subject to all just exceptions.

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2. Issue notice. Mr. Vikram Jetly accepts notice on behalf of the respondents. Learned counsel for the respondents says that in view of the order that I propose to pass, he does not wish to file a counter-affidavit in the matter.

3. Briefly, the facts obtaining in the matter are that the petitioner along with two other persons, namely, Mr. Pulakesh Chakraborty and Mrs. Madhu Saxena incorporated a Company by the name Lightlife Technologies Private Limited (in short 'LTPL'). According to the petitioner the incorporation and registration of the company occurred on 13.08.2012. It is also averred by the petitioner that he along with the other two persons referred to above held 1/3rd shares each in LTPL. The petitioner claims that since the date of incorporation, no business was conducted by LTPL and that the said company does not even have a bank account. Furthermore, the petitioner claims that the other two persons, who are referred to above, who were appointed as Directors on the Board of LTPL along with the petitioner demitted office on 18.04.2016. For this

purpose, my attention has been drawn to copy of the company's Master Data which is appended at page 53 of the paper book.

4. Record shows that the petitioner's name has been included in the list of disqualified directors for the financial year 2014-16 on account of LTPL's name being struck off from the Register of Companies. The petitioner claims that no financial statements or statutory returns were filed on behalf of LTPL.

5. Given the fact that the petitioner also wishes to take advantage of the Condonation of Delay Scheme-2018 (in short 'CODS-2018') and in view of the fact that the other two shareholders are not before the Court, I am of the view that the petitioner should approach the ROC for redressal of his grievances. Thus, the petitioner is directed to appear before the ROC on 23.04.2018 at 11 am. In case the said date is not convenient to the ROC, he will fix another date which is proximate to the date given by this Court bearing in mind that the CODS-2018 Scheme is expiring on 30.04.2018. The ROC will hear the petitioner with regard to all aspects including the fact that the other two directors/shareholders are no longer participating in the affairs of LTPL. Pending the decision by the ROC, the operation of the list of disqualified directors insofar as it pertains to the petitioner is stayed.

Furthermore, it is also directed that DIN and DSC of the petitioner will be activated. These interim directions will remain in force till 30.04.2018. The ROC, however, will have the liberty to extend the same if the situation so demands. Needless to say, the ROC will pass a speaking order and a copy of the same will be furnished to the petitioner.

6. The writ petition is disposed of in the aforesaid terms.

7. Consequently, pending application stands closed.

8. *Dasti* under the signature of the Court Master.

RAJIV SHAKDHER, J

APRIL 11, 2018/SRwt