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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3509/2018

ALPNA GUPTA

..... Petitioner

Through: Mr. Ajay Singh, Adv.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mrs. Suparna Srivastava, Adv. with
Mr. Tushar Mathur, Adv. for R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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10.04.2018

CM No. 13844/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 3509/2018 & CM No. 13843/2018

2. Issue notice. Ms. Suparna Srivastava accepts notice on behalf of the respondents. In view of the order that I propose to pass, learned counsel for the respondents does not wish to file a counter-affidavit in the matter.

3. The petitioner is aggrieved by the fact that her name has been included in the list of disqualified directors for financial year 2014 to 2016.

4. To be noted, this list has been appended as Annexure P-1 to the writ petition. The petitioner avers that she was appointed as an Additional Director on the Board of Roubini Global Economics (India) Private Limited (in short 'RGEIPL') on 24.09.2012. This appointment was made at the Annual General Meeting (in short AGM) held qua RGEIPL on 24.09.2012. It is further submitted on behalf of the petitioner that the next AGM of RGEIPL was held on 28.09.2012. According to the learned counsel for the petitioner the appointment of the petitioner at the AGM held on 28.09.2012 was

not confirmed. It is, thus, the submission of the learned counsel for the petitioner that the petitioner ceased to be a Director of RGEIPL w.e.f. 28.09.2012.

5. It is submitted by the learned counsel for the petitioner that though for appointment of the petitioner relevant information was provided for in Form 32 by RGEIPL, this information was not updated in the subsequent filings. Consequently, it ended up in having her name being included in the list of disqualified directors as indicated above on account of RGEIPL's name being struck off from the Register of Companies.

6. In support of the aforesaid submissions, my attention has been drawn to Annexure P-9 at pages 145-146 of the paper book. Furthermore, learned counsel for the petitioner says that the petitioner is a Director on the Board of other companies which are active and functional. In support of this submission, learned counsel relied upon the list of companies set out in Annexure P-10. It is pointed out by the learned counsel for the petitioner that except for RGEIPL, all other companies referred to in Annexure P-10 are active and functional.

7. Learned counsel for the official respondents, on the other hand, says that these are assertions which ROC would have to examine and pass a reasoned order. I find merit in the submission of the learned counsel for the respondents.

8. Accordingly, the writ petition is disposed of with a direction to the ROC to grant a personal hearing to the petitioner. The ROC will examine the veracity of the assertions made by the petitioner and thereafter pass a speaking order. For this purpose, the petitioner will appear before the ROC on 16.04.2018 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 the Court.

9. A copy of the speaking order will be furnished to the petitioner. In the event the order passed by the ROC is against the interest of the petitioner, the petitioner will have the liberty to assail the same in accordance with law.

10. Consequently, pending application stands closed.

11. *Dasti.*

RAJIV SHAKDHER, J

APRIL 10, 2018

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