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

+ W.P.(C) 3552/2018

RISHI SETH

..... Petitioner

Through: Mr. Akhil Sachar, Adv.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Ms. Bharathi Raju, CGSC for UOI

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **11.04.2018**

CM No. 14025/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 3552/2018 & CM No. 14024/2018

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

3. Briefly, the facts of the case are that the Company by the name Minergy Power Private Limited (in short 'MPPL') was incorporated on 08.07.2010. The petitioner claims that he tendered his resignation from the Board of Directors of MPPL on 01.05.2011. It is, however, admitted by the counsel for the petitioner that Form 32 was not filed with the ROC. However, to establish that the petitioner had resigned from the Board of Directors of MPPL and that his resignation had been accepted, reliance is placed on Annexure P-2, which is appended at page 44 of the paper book. The said annexure is the acceptance letter dated 1.5.2011 issued by MPPL qua the resignation letter of even date said to have been submitted by the petitioner.

4. To be noted, the resignation letter, however, is not on record. I am informed by the learned counsel for the petitioner that the other Director of MPPL

is, one, Ms. Swastika Jugurnauth. For this purpose, reliance is placed on the company's Master Data which is appended at page 43-A of the paper book.

5. Having regard to the aforesaid facts and circumstances, the petitioner is directed to have his grievances redressed by approaching Registrar of Companies (in short "ROC"). Accordingly, the petitioner will appear before the ROC on 23.04.2018 at 11:00 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 grant a personal hearing to the petitioner and thereafter pass a speaking order.

6. A copy of the speaking order passed by the ROC will be furnished to the petitioner. Pending disposal of the petitioner's representation, the operation of the list of disqualified directors which is appended as Annexure P-1 to the paper book shall remain stayed insofar as the petitioner is concerned. Furthermore, the petitioner's DIN and DSC 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.

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

8. Pending application will stand closed.

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

RAJIV SHAKDHER, J

APRIL 11, 2018/SRwt/cks