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

+ **W.P.(C) 3594/2018**

KANWALJIT SINGH MALOHTRA & ANR Petitioners

Through: Mr.Ketan Madan and Mr.Himanshu
Harbola, Advocates

versus

REGISTRAR OF COMPANIES & ORS Respondents

Through: Mr.Vishal Mahajan, Senior Panel Counsel
for UOI

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **13.04.2018**

CM No.14229/2018

1. Allowed subject to just exceptions.

W.P.(C) No.3594/2018 & CM No.14228/2018

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

3. The petitioners claim that they were appointed as Directors on the board of company by the name: Fiesta International Pvt. Ltd (hereinafter referred to as "Company"). The learned counsel for the petitioners states that the Company has not carried out any business since the past three years and that its bank accounts have also not been operated since 2011. Furthermore, the petitioners state that they had not filed the Company's financial statements and statutory returns as required under the extant provisions of law. The petitioners aver that it is on account of the aforementioned infraction of law that their names came to be included in the

impugned list.

4. 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.

5. 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.

6. 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 Condonation of Delay Scheme, 2018 (hereafter "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 20.04.2018. 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.

7. 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.

8. 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.

9. 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.

10. To be noted, even though counsel for petitioner(s) submitted that they wish to avail of benefit of CODS 2018, the same has not been prayed for in the captioned Writ Petition.

10.1 Therefore counsel for petitioner(s) will file an affidavit to that effect with registry of this court. The affidavit, *inter alia*, would state that the petitioner(s) would want to avail CODS 2018, and that they have not done business for the past three years and that no bank account has been operated.

10.2 The affidavit shall be filed on or before 20.04.2018.

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

12. *Dasti* under signatures of Court master.

RAJIV SHAKDHER, J.

APRIL 13, 2018

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