

\$~38

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

+ W.P.(C) 3737/2018 & CM Nos.14791/2018

PREM PAUL VERMA AND ANR. Petitioners

Through : Mr. Ishaan Madaan and
Mr. Ayush S. Sahni, Advs.

versus

UNION OF INDIA AND ANR. Respondents

Through : Ms. Maninder Acharya,
ASG with Mr. Vivek Goyal,
CGSC with Mr. Rajeev
Ranjan Shahi and Mr. Harsh
Pandit, Advs.for R-1 & 2

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **17.04.2018**

1. This writ petition has been filed as a composite petition on behalf of directors of eight different companies, some of which have been struck off. Given the nature of the factual issues which would need verification, we are of the view that separate petitions in respect of each company is required to be filed.

2. We permit the petitioners to confine this writ petition in respect of their directorship in SIF Exports Pvt. Ltd. The petitioner is permitted to file an amended writ petition deleting the reference to all other companies.

3. Apart from this Company, the petitioner is stated to be a Director in other companies as well.

4. The writ petition has been instituted in view of the notices dated 6th September, 2017 and 12th September, 2017 issued under Section 164(2)(a) of the Companies Act, 2013 by the respondents disqualifying the petitioner as Director in the company for the reason that there was a default in submitting returns with regard to the affairs of the said Company, which were statutorily required to be filed with the Registrar of Companies for a continuous period of three financial years.

5. The writ petition inter alia seeks quashing of the said notices dated 6th September, 2017 and 12th September, 2017.

6. This writ petitioner contended that on account of disputes between the directors/shareholders, the company had run into difficulty and statutory compliances in the nature of filing returns with the Registrar of Companies were not effected. Proceedings between the directors are stated to be pending before the National Company Law Tribunal.

7. At the time of issuance of notices in the writ petitions, we had granted interim orders of stay of the said notices dated 6th September, 2017 and 12th September, 2017.

8. We are today informed by Ms. Maninder Acharya, learned ASG, on instructions from Mr. Kirtiman Singh, learned CGSC and Mr. Rakesh Tiwari, Registrar of Companies that the respondents have verified the above position and accept the stated position regarding the pendency of matters before the NCLT regarding the management disputes.

9. It is also an admitted position that this company is active a company even on date.

10. In view of this position, it is submitted by Ms. Maninder Acharya, on instructions, that the respondents shall remove the petitioner from the list of disqualified directors.

11. In view of the above, it is directed as follows:

(i) The respondents shall forthwith take steps for removal of the petitioner's name from the list of disqualified directors.

(ii) The orders to this effect would be posted on the website and shall also be communicated to the petitioner within two weeks from today.

12. In view of the above, this writ petition is allowed in the above terms.

Dasti

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

APRIL 17, 2018/kr