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

\+ W.P.(C) 3810/2018

NEELESH TIWARI & ORS ..... Petitioners

Through Mr. Ketan Madan and Mr. Himanshu Harbola, Advs.

versus

REGISTRAR OF COMPANIES & ORS ....Respondents

Through Mr. Rakesh Kumar, CGSC with Mr. Shiv Kumar Yadav, Adv. for UOI

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

O R D E R

% **18.04.2018**

CM. APPL. 15112/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 3810/2018 & CM. APPL. 15111/2018

2. Issue notice. Mr. Rakesh Kumar accepts notice on behalf of the official respondents.

3. Learned counsel for the respondents says that he will argue the matter based on the record available with the Court.

4. The petitioners, *inter alia*, at the relevant point of time were Directors on the Board of a company, by the name: Mera Pharma Dot Com Private Limited (for short "MPDCPL").

5. It is averred that since MPDCPL had not carried out business for over three years and that it had not operated a bank account, an

application under Section 248(2) of the Companies Act, 2013 was filed for having it voluntarily struck off from the register of companies. It is stated that this application was filed on 20.6.2017.

6. To buttress its stand that the application was being processed by the concerned authority, reliance is placed on annexure P-3m which is appended at pages 52 and 53 of the paper book.

7. It appears that while the petitioners said application was being processed the Press Information Bureau, Government of India, Ministry of Corporate Affairs issued a press releases dated 6.9.2017. Via this press release, steps were taken to strike off shell companies from the register of companies and to disqualify the directors on the Boards of such companies.

7.1 Apparently, MPDCPL was also struck off from the register of companies in the wake of this exercise carried on by the respondents.

7.2 As a result, the names of the petitioners were included in the list of disqualified directors for financial years 2014 to 2016.

8. The petitioners are, thus, aggrieved by this development.

9. In the petition, there is also reference to fact that the representation dated 05.12.2017 was made to the ROC in this regard.

9.1 It appears that the petitioners have not obtained any redressal qua their representation.

10. Furthermore, in the petition, averments have been made to the effect that petitioners are directors on the Board of other companies, which are active and functional. The details of these companies are set out in paragraph 4 of the writ petition.

11. Learned counsel for the official respondents says, that given

foregoing circumstances, this Court could issue a direction to the ROC to treat the writ petition as a representation and have him consider as to whether requisite relief could be granted to petitioners.

12. I find merit in the submission advanced on behalf of the official respondents.

13. Accordingly, the writ petition is disposed of with the following directions:

(i) The ROC will treat the writ petition filed before this Court as a representation. The ROC will grant a personal hearing to the petitioners and/or their authorised representatives.

(ii) The ROC will, thereafter, pass a speaking order; a copy of which will be furnished to the counsel for the petitioners. In case the petitioners are aggrieved by the ROC's order, they will have liberty to assail the same in the manner known to law.

(iii) Pending the decision by the ROC, the operation of the impugned list of disqualified directors (Annexure P-7) shall remain stayed insofar as the petitioners are concerned.

(iv) To facilitate the aforesaid exercise, the DIN and DSC number of the petitioners will be activated by the ROC.

13.1 Since, the CODs-2018 is expiring on 30.4.2018, the ROC will hear the petitioners and/or their authorised representatives on 25.4.2018 at 3.00 p.m. In case the said date is not convenient to the ROC, he will fix another date which will be proximate to the date mentioned above.

14. Resultantly, pending application shall stands closed.

15. *Dasti* under signatures Court master.

RAJIV SHAKDHER, J

APRIL 18, 2018
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