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

+ W.P.(C) 3934/2018 & CM APP No. 15563/2018

NARESH TREHAN & ANR Petitioners

Through: Mr.Prithu Garg, Adv.

versus

UNION OF INDIA & ANR Respondents

Through: Mr.Ajay Digpaul, CGSC with Ms.
Madhuri Dhingra Adv./UOI.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **25.04.2018**

1. On the previous date i.e., on 20.04.2018, an accommodation was sought by learned counsel for the petitioners to place on record the correct master data. Learned counsel for the petitioners has filed the affidavit dated 21.04.2018, along with the said affidavit master data pertaining to Twenty First Century Cargo Pvt. Ltd. has been filed.
2. Since the original affidavit has been placed on record, which has been sworn by petitioner No.1 i.e., Naresh Trehan. The same is taken on record. The Registry is directed to scan and upload the affidavit.
3. Copy of the affidavit has been furnished to counsel for official respondents.
4. Quite strangely, the subject company i.e. Twenty First Century Cargo Pvt. Ltd., has been arrayed as petitioner No.2.

5. Be that as it may, the petitioner No.1 asserts that he wishes to avail the benefit of CODs scheme (in short “scheme”). It is further averred that the subject company does not have any assets and that it has not carrying business for the past 12 years. It appears that the financial statement of annual returns was filed on behalf of the subject company till 2012-13.

6. Mr.Ajay Digpaul, who appears on behalf of the official respondents submits to pass usual directions which have been passed in such like matters.

7. 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 15.05.2018. 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.

8. 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.*

9. 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.

10. 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.

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

12. *Dasti* under signatures of the Court master.

RAJIV SHAKDHER, J

APRIL 25, 2018
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