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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3887/2018**
PRABUDDHA CHOUDHURY

..... Petitioner
Through: Mr. A.K. Srivastava, Advocate for
applicant/petitioner.

versus

**REGISTRAR OF COMPANIES, NCT OF DELHI & HARYANA &
ANR**

..... Respondents
Through: Mr. Vivek Goyal, CGSC with Mr.
Harsh Pandit, Advocate for R-1 & 2.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER
% **14.05.2018**

C.M. Appl. No.19789/2018

1. Issue notice.

1.1 Mr. Vivek Goyal accepts notice on behalf of the respondents.

2. This is an application seeking modification of order dated 20.4.2018. By virtue of the said order, the petitioner was given liberty to approach NCLT. Counsel for the petitioner says that the petitioner had desired to take benefit of the Condonation of Delay Scheme, 2018 ('CODS 2018').

3. I am also informed that the defaulting company is a company going by the name Montan Engineering Private Limited ('MEPL'). It is the assertion of the petitioner that since financial statements and statutory returns were not filed by MEPL, its name has been stuck off

from the Register of Companies. The petitioner further avers that on account of this eventuality, his name got included in the list of disqualified directors.

3.1 The petitioner also avers that no business has been carried out by MEPL for past several years.

4. Learned counsel for the official respondent says that given the assertions made in the writ petition, this application can be allowed and like in other matters, similar directions can be issued in this case as well.

5. Accordingly, order dated 20.4.2018 is modified to the extent that the petitioner is given liberty to avail of the benefits of the CODS 2018

6. Since the petitioner had approached to this court prior to the expiry of the CODS 2018, in these peculiar facts and circumstances of the case, he is permitted to take necessary steps in that behalf.

7. Pending the decision in W.P.(C) 9439/2017, titled: *Atul Khosla & Anr. v. Union of India and Ors.* which will bind the petitioner as well, his DIN & DSC shall stand activated. In addition thereto, the operation of the impugned list of disqualified directors shall remain stayed insofar as the petitioner is concerned.

8. To be noted, based on what was projected in Court qua this matter and because it came to be listed along with a huge bunch of other matters raising similar issues, certain directions came to be issued on 20.04.2018 in this matter. Resultantly, this matter came to be cited as a precedent in other matters, where the parties wished to approach the NCLT. It is made clear that the modification of order

dated 20.04.2018, will not alter the position in those matters where the said order is cited as a precedent as this would result in unscrambling the egg.

9. The application is disposed of in the aforesaid terms.

10. *Dasti* under signatures of the Court Master.

RAJIV SHAKDHER, J

MAY 14, 2018

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