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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3932/2018**

MANAV BANSAL

..... Petitioner

Through: Mr. Shyam D. Nandan, Adv.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Bhagvan Swarup Shukla, CGSC.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **25.04.2018**

W.P.(C) 3932/2018 & CM No. 155488/2018

1. Pursuant to the last order dated 20.4.2018, the counsel for the petitioner has placed on record two affidavits of even date i.e. 21.4.2018, of Mr. Zafar Iqbal Ansari and Mr. Abdul Rahim Ansari. The two affidavits are identically worded. It is claimed by the petitioners that the subject company, i.e., Indian Rug Weavers Pvt. Ltd. has not conducted any business since its incorporation.

1.1 The master data pursuant to the subject company says that apart from the petitioner and aforementioned persons, one Mr. Andrea Fontana was also appointed as a Director on the Board of subject company.

1.2 There is no affidavit filed on behalf of Mr. Andrea Fontana. The assertion made at the Bar by learned counsel for the petitioner that he is a foreign national and is not available, is also not stated in the affidavit either by aforementioned persons or the petitioner.

2. Counsel for the petitioner states that he will file an additional

affidavit to that effect within two days from today. It is, however, the stand of the petitioner as well as the two persons who have filed their affidavit today in Court that they do not wish to revive the subject company.

3. Accordingly, the writ petition is disposed of with the following directions, subject to an additional affidavit being filed by the petitioner within two days from today:-

(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.

4. 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.*

5. 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.

6. 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.

7. It is made clear that if there is any other company apart from the subject company mentioned above, whose name has been struck off from the Register of Companies, resulting in the inclusion of the petitioners' names in the impugned list of disqualified directors, then, this order will not come in the way of necessary consequences in law flowing from such circumstance.

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

9. The affidavits dated 21.4.2018 filed on behalf of Mr. Zafar Iqbal Ansari and Mr. Abdul Rahim Ansari shall be scanned and uploaded by the Registry.

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

RAJIV SHAKDHER, J

APRIL 25, 2018/ak

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