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

+ **W.P.(C) 3975/2018**

MUKUL NIRWAN

..... Petitioner

Through: Ms. Prachi Johri, Adv.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr.B.S. Shukla, CGSC with
Mr.Kamaldeep, Adv. for R1&2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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26.04.2018

CM Appl. 15697/2018 (for exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) No.3975/2018 & CM Appl. 14696/2018

2. The petitioner has filed the present petition, *inter alia*, impugning the list of disqualified directors published by the official respondents to the extent that it includes the names of the petitioner.

2.1 To be noted, the captioned writ petition was heard on 23.04.2018, wherein the counsel for the petitioner sought time to file an additional affidavit bringing on record as to the whether the persons, who are not petitioners before this Court, but are Directors on the Board of the company referred to hereafter, would want to join the petition. However, the affidavit dated 24.04.2018, filed by petitioner, state that the Directors other than the petitioner, do not have any objection with regard to the reliefs sought by the petitioner herein.

3. Issue notice. Mr. B.S. Shukla, accepts notice on behalf of the respondents.

4. The petitioner claims that he was appointed as a Director on the Board of company by the name: Adrett Homes Ltd. (hereinafter referred to as "ADL").

Furthermore, the petitioner states that he had not filed the ADL's financial statements and statutory returns as required under the extant provisions of law. The petitioner avers that on account of the aforementioned infraction of law that his name came to be included in the impugned list.

5. In this matter, I am informed by the learned counsel for the official respondents that the issues raised in the captioned matter are similar to those issues which have been raised before Division Bench-I in various matters pending before it.

6. Counsel for writ petitioner is agreed that the interim directions passed by this court and those which have been passed by the Division Bench can form the basis of the disposal of the present writ petition with a right to revive the captioned petition, in respect of those issues which are not addressed by the Division Bench judgment.

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 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 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 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. The Registry will scan and upload the affidavit that has been filed by the petitioner.

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

RAJIV SHAKDHER, J

APRIL 26, 2018

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