

3.1. It is in this background that an affidavit dated 23.4.2018 has been filed in accordance with dated 20.4.2018 vide Diary no. 115894/2018.

4. Counsel for the petitioners says that qua the subject company, he seeks application of the directives contained in the aforementioned order, insofar as it concerns the petitioners.

5. Accordingly, the writ petition is disposed of with the direction to the official respondents to apply the directives contained in *Prabuddha Choudhury* (Supra).

6. It is made clear that the directions contained in aforementioned order will apply *mutatis mutandis* to the petitioner(s) herein.

10. 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.

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

RAJIV SHAKDHER, J

APRIL 26, 2018
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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4190/2018 & CM APP No.16465/2018**
VIJAY ARORA Petitioner

Through: Mr. Fanish Kumar Raj with
Mr. Abinash Kumar &
Mr. S.K.Roy, Advs.

versus

UNION OF INDIA AND ANR. Respondents
Through : Mrs. Bharathi Raju, CGSC.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **26.04.2018**

W.P.(C) 4190/2018 & CM No. 16465/2018

1. 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 name of the petitioner.

2. The petitioner claims that he was appointed as a Director on the Board of a company by the name: Power Plead Legalities Pvt. Ltd (hereinafter referred to as "Company"). The learned counsel for the petitioner states that the Company has not carried out any business since its incorporation. Furthermore, the petitioner states that they had not filed the Company's financial statements and statutory returns as required under the extant provisions of law. The petitioner avers that it is on account of the aforementioned infraction of law that his name came to be included in the impugned list.

2.1 To be noted, the captioned writ petition was heard on 25.04.2018, wherein the counsel for the petitioner sought time to file an additional affidavit bringing on

record as to whether the person, who is not the petitioner before this Court but is a Director on the Board of the Company referred to hereafter, would want to join the petition. However, the affidavit dated 26.04.2018 filed by the petitioner states that the Director other than the Petitioner does not have any objection with regard to the reliefs sought by the petitioner herein.

3. 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.

4. Counsel for writ petitioner(s) are 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.

5. 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.

6. 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.*

7. Liberty, however, is given both to the petitioner(s) and the official respondent nos.1 & 2 to revive the petition(s), in case, there are issues which are not covered by the Division Bench judgment.

8. Needless to say, the disposal of the writ petition will not come in the way of the official respondent nos.1 & 2 presenting their point of view before the Division Bench.

9. It is made clear that if there is any other company apart from the one mentioned in paragraph 3 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.

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

11. The Registry will scan and upload the affidavit filed by the petitioner.

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

RAJIV SHAKDHER, J

APRIL 26, 2018

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W.P.(C) 4190/2018