$~80

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

\+ W.P.(C) 4269/2018

VIJAY PRATAP AND ANR. ..... Petitioners

Through: Mr.Rakesh Kumar, Adv.

versus

REGISTRAR OF COMPANIES, DELHI AND ANR......Respondents

Through: Mr.Manish Mohan, CGSC with Ms.Manisha Saroha, Adv.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

O R D E R

% 26.04.2018

CM APP No. 16673/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 4269/2018

2. The petitioners have 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 petitioners.

3. The petitioners claim that they were appointed as Directors on the Boards of companies by the names: Vaag Structures Private Limited and Bulk Bookings Private Limited (hereinafter referred to as "Companies"). The petitioners state that the companies have not carried on business since the date of their incorporation. Furthermore, the petitioners state that they had not filed the Companies' financial statements and statutory returns as required under the extant provisions of law. The petitioners aver that it is on account of the aforementioned infraction of law that their names came to be included in the impugned list.

4. 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.

5. 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.

6. 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.

7. 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.*

8. 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.

9. 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.

10. It is made clear that if there is any other company, apart from the subject companies 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.

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

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

RAJIV SHAKDHER, J

APRIL 26, 2018
Neelam