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

+ **W.P.(C) 4182/2018**

SACHIN PANT AND ANR. Petitioners

Through: **Mr. Awnish Kumar, Adv.**

versus

UNION OF INDIA AND ORS. Respondents

Through: **Ms. Prema Priyadarshini with
Mr. Ashish Shah, Adv. for R- 1 & 2.**

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% 25.04.2018

CM Appl.No.16447/2018(exemption)

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 4182/2018 & CM Appl.No.16446/2018

3. Issue notice. Ms. Prema Priyadarshini, learned counsel accepts notice on behalf of official respondents and the counsel states that she will argue on the basis of the record. The record shows that the company which is defaulted in not filing the financial statements and the statutory returns is a company by the name Innovest Knowledge Base Private Limited (IKBL). The master data with respect to the said ITBL is appended as Annexure P2 at page 36 of the paper book.
4. A perusal of the master data would show that apart from the petitioners, one Mr. Arvind Singh was also appointed on the Board of Directors of IKBL. Mr. Arvind Singh, however, is not a petitioner

before the Court.

5. Mr. Awnish Kumar, learned counsel appears for the petitioners states that the petitioners since 2013 have lost touch to Mr. Arvind Singh. It is further submitted that the whereabouts of Mr. Arvind Singh who is also shareholder in IKBL are not available. For this purpose my attention was drawn to paragraph 12(d) at page 16 of the paper book.

6. Counsel for the petitioners states that because the name of IKBL was removed from the register of the company, their names has been included in the list of disqualified directors. It is submitted by the learned counsel for the petitioners that petitioners are also directors of several companies which are active and functional and because their name is included in the names of disqualified directors and the DSC and DIN having been deactivated their role as directors in active and functional companies is getting impacted. The list of active and functional companies qua which petitioners are acting as directors is given as Annexure P4 at pages 39 and 40 of the paper book.

7. In this matter, I am informed by the learned counsel for the official respondent nos.1 & 2 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.

8. 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.

9. Having regard to the aforesaid, the 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.

10. 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.

11. 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.
12. 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.
13. The petitioners will place on record the last known address of Mr. Arvind Singh by way of an affidavit. Furthermore, a copy of the order will be dispatched by the Registry to Mr. Arvind Singh who has liberty to approach the Court in case he seeks to have a say with regard to the matter. The petitioners will also dispatch the copy of the order passed today to the last known address of Mr. Arvind Singh.
14. 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.
15. Pending application(s), if any, shall stand closed.
16. Dasti under signatures of the Court master.

RAJIV SHAKDHER, J

APRIL 25, 2018

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