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

+ W.P.(C) 4193/2018 & CM APP No.16474/2018

RAAKHI SHARMA AND ANR. Petitioners
Through : Mr. Ketan Madan, Mr. Himanshu
Harbola and Mr. Satvik Bajaj, Advs.

versus

UNION OF INDIA AND ORS. Respondents
Through : Mr. Abhay Prakash Sahay, CGSC.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER
26.04.2018

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1. The record shows that there are two petitioners and essentially two companies qua which relief is sought in the matter. Petitioners, it appears were appointed as Directors on the Board of Companies by the names:

- i. Kamaksha Hydro Power Private Limited (in short "KHPL"), and,
- ii. Dron Hydro Power Private Limited (in short "DHPL")

It is also the case of the petitioner that since financial statements and statutory returns were not filed *vis-a-vis* KHPL and DHPL their names were struck off from the register of companies. Resultantly, the names of the petitioners were included in the list of disqualified Directors for financial year 2014-16.

2. In so far as DHPL is concerned counsels are agreed that the issue raised in the present writ petition is covered by the order dated 20.04.2018 passed in various writ petitions including W.P.(C) No.3887/2018, titled:

Prabuddha Choudhury. Vs Registrar of Companies and Anr. In sum, the petitioner seeks to revive DHPL by filing an appeal, if not already filed, before the NCLT under Section 252 of the Companies Act, 2013.

3. Counsel for the petitioner says that qua the subject company i.e., DHPL he seeks application of the directives contained in the aforementioned order, insofar as it concerns the petitioner.

3.1. Accordingly, the directions are given to the official respondents to apply the directives contained in *Prabuddha Choudhury* (Supra).

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

4. In so far as KHPL is concerned, the petitioners, in line with orders passed by this Court, is disposed of in terms of the following directions:-

KHPL

(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.

DHPL

- i. As an when the NCLT passes an order of revival, the petitioners will have liberty to avail off the benefits of Condonation of Delay Scheme, 2018.
5. It is made clear that if there is any other company apart from the one mentioned in paragraph 1 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.
6. *Dasti* under signatures of the Court master.

APRIL 26, 2018
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RAJIV SHAKDHER, J