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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4411/2018**
AJAY KUMAR AND ORS.

..... Petitioners

Through: Ms. Amrita Mishra, Advocates.

Versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Gaurang Kanth, CGSC for UOI.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **14.05.2018**

C.M. Appl. No.19846/2018

1. This is an application seeking a direction to place on record the amended memo of parties. The petitioners aver that while the name of one of the companies i.e., First Choice Buildwell Pvt. Ltd. (in short 'FCPL') was referred to in paragraph 8 of the writ petition, inadvertently, the said name did not find mention in the memo of parties.

1.1 To be noted, FCPL, according to the petitioners, is one of those companies whose name was struck off from the Register of Companies by the ROC.

2. The record shows that by an order dated 27.04.2018, the writ petition was disposed of with certain directions contained therein.

3. It is contended on behalf of the petitioners that since the name

of FCPL was not mentioned in the memo of parties there is a possibility of the order dated 27.4.2018 being construed as one not applicable to FCPL.

3.1. In effect, the petitioners seek amendment of memo of parties so that the said directions are made applicable to FCPL as well. In paragraph 5 of the application, it is stated that documents in physical form were submitted to the ROC qua First Choice Buildwell Pvt. Ltd. on 01.05.2018.

4. Issue notice.

4.1 Mr. Gaurang Kanth accepts notice on behalf of the official respondents.

5. In view of the order that I propose to pass, Mr. Gaurang Kanth says that he does not wish to file any reply.

6. In my opinion, strictly speaking, companies whose names have been struck off ought not to have been mentioned in the memo of parties. The petitioners, however, have, as it appears, filed this application for the sake of uniformity and as a measure of abundant caution. Accordingly, the application is disposed of with the direction that the petitioners will have liberty to formally place on record the amended memo of parties and that the ROC will take appropriate action in terms of the order dated 27.04.2018 which would now apply to FCPL as well.

7. Resultantly, the amended memo of parties filed with application is taken on record.

C.M. Appl. No.19845/2018

8. Issue notice.

8.1 Mr. Gaurang Kanth accepts notice on behalf of the official respondents.

9. In view of the order that I propose to pass, learned counsel for the official respondents says that he does not wish to file any reply.

10. The substantive prayer made in the application is as follows:-

“Allow the present application and grant an extension of 15 days to deposit the fee and other charges as per the Order dated 27.04.2018 pass by this Hon’ble Court.”

10.1 For the reasons given in the application, the delay is condoned. The petitioners are given liberty to file the original FDR within one week from today.

11. The application is disposed of.

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

RAJIV SHAKDHER, J

MAY 14, 2018/A