

\$~

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

Date of decision: 27th April, 2018

+ **W.P (C) 4321/2018 & CM Nos.16790-16791/2018**

RAVI KIRAN KATHA AND ANR. Petitioners

Through: Mr.Gaurav Varma, Adv.

versus

UNION OF INDIA Respondent

Through: Ms.Suparna Srivastava, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

REKHA PALLI, J (ORAL)

1. At the oral request of the learned counsel for the petitioner, Registrar of Companies, Hyderabad, 2nd Floor, Corporate Bhavan, GSI Post, Thatti Annaram, Bandlaguda, Hyderabad, Telangana-500068 is impleaded as Respondent No. 2.
2. Amended memo of parties is taken on record.
3. The petitioners have filed the present petition impugning a list of disqualified directors to the extent that it includes the names of both the petitioners. The petitioners claim that M/s Callosmart Solutions Private Limited was incorporated on 22nd June, 2007, of which both the petitioners were directors. He, however, submits that the said company could not carry out business and, therefore, has been non-functional from

the year 2010 itself.

4. Learned counsel for the petitioners further submits that another company named Dotcastle Technosolutions Private Limited was incorporated on 31st January, 2013, with both the petitioners as its directors. He submits that even the said company is non-functional since the year 2015, and the Bank account of the said company already stands closed. He submits that in these circumstances, the company's financial statements and statutory returns have not been filed. He further draws my attention to the notice dated 21st July, 2017, whereby the names of the aforesaid two companies, were struck off from the Register of the Companies and the said companies stood dissolved. Learned counsel for the petitioners contends that it is on account of the aforementioned reasons that the petitioners' names came to be included in the impugned list, even though both the aforesaid companies of which the petitioners were directors, already stood dissolved on 21st July, 2017 itself.

5. Learned counsel for the respondents submits that the issues raised in the present petition are similar to issues pending before the Division Bench in various matters including the lead matter being WP(C) No.9439/2017 titled as Atul Khosla & Anr. Vs. Union of India & Ors.

6. In these circumstances, learned counsel for the petitioners prays that the present writ petition be disposed of by passing similar directions as have been passed by the Division Bench by way of interim directions. He submits that both the petitioners undertake to abide by the order dated 21.03.2018 passed by the Division Bench in W.P. (C) 9439/2017. He,

however, prays that the petitioners may be granted liberty to revive the present petition in case, the issues raised by them are not addressed to their satisfaction by the decision to be taken by the Division Bench in the aforesaid matter.

7. Accordingly, with the consent of the parties, the 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 (hereinafter “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 in the form of Fixed Deposit Receipt (FDR) in favour of the ROC, will be deposited with the Registry of this court on or before 15.05.2018.

8. The writ petition and applications are disposed of in the aforesaid directions. However, both the parties would be at liberty to approach

this Court for revival of the petition in case the issues raised by them are not covered by the final decision of the Division Bench in WP(C) No.9439/2017.

DASTI under signatures of Court Master.

(REKHA PALLI)
JUDGE

APRIL 27, 2018/aa

