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

+ **W.P.(C) 4534/2018**

RAHUL MALHOTRA & ANR

..... Petitioners

Through Mr Abjijit Tripathi, Advocate.

versus

UNION OF INDIA & ANR

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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10.07.2018

CM 26781/2018

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

CM 26780/2018 (stay) in W.P.(C) 4534/2018

3. The petitioner has filed the present application, *inter alia*, praying as under:-

“A. Direct the Respondent No. 1& 2 to ensure compliance of this Hon'ble Court's orders in WPNo. 4534/2018.

B. Direct the Respondent No 1 and 2 to restore the names of the petitioners on the website of Respondent no. 2 and to restore their position as Directors by unfreezing their DIN for Companies in which they are directors .”

4. The above captioned petition was disposed of by this Court by an order dated 01.05.2018, which reads as under:-

“Issue notice. Mr. Amrita Prakash, CGSC accepts notice on behalf of the official respondents.

Learned counsel for the petitioners, says that he wishes to approach the NCLT for reviving company by the name: Daily Bazaar Private Limited (hereinafter referred to as "Company").

To be noted, the Company was struck off from the Register of Companies by the ROC upon its failure to file the requisite financial statements and returns. The petitioners, I am told, were appointed as Directors on the Board of the Company.

In view of the fact that the petitioners wish to approach the NCLT to revive the Company in consonance with the provisions of Section 252 of the Companies Act, 2013, the learned counsel for the official respondents submits that the ROC will not oppose the revival provided the appeal is filed before 07.05.2018.

Having regard to the aforesaid, the writ petition is disposed of giving liberty to the petitioners to approach the NCLT by way of an appeal. Since the captioned Writ petition was filed on the day the Condonation of Delay Scheme, 2018 ("Scheme") was to expire, leave is granted to the Petitioner(s) to institute the appeal with NCLT on or before 07.05.2018. Pending the decision in the appeal, there would be a stay on the operation of the list of disqualified directors insofar as it concerns the petitioners herein. Furthermore, the respondents will also activate the DIN and DSC of the petitioners.

Needless to say if the petitioners fail to file an appeal within the timeline given above, or fails in persuading the NCLT to revive the Company, the stay on the operation of the list of disqualified directors, insofar as it concerns the petitioners, would stand dissolved automatically with necessary consequences. This direction would also apply if the petitioners fail to take requisite steps under the Condonation of Delay Scheme, 2018 ("Scheme") after it is ordered to be revived by NCLT.

Dasti under signatures of the Court master.”

5. Admittedly, the petitioner has not approached NCLT for revival of the company – Daily Bazar Private Limited. The learned counsel for the

petitioner states that the petitioners were unable to do so as they did not receive the certified copy of the order dated 01.05.2018 till 23.05.2018. It is in the aforesaid context that the petitioners have filed the present application, which in effect seek directions for extension of time for implementing the said order.

6. The contention that the petitioners could not act on the order dated 01.05.2018 since they had not received the copy of the same is unmerited. The said order was passed in the presence of counsel and copy of the said order was also uploaded on the website of this Court. The petitioners were clearly aware of the order and thus were not precluded in any manner in not filing the appeal before the NCLT. Since, the petitioners have failed to do so within the time as provided (i.e. up to 07.05.018) no further relief can be granted to the petitioner in this application.

7. The application is, accordingly, disposed of

VIBHU BAKHRU, J

JULY 10, 2018

pkv