

\$~65

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

+ **W.P.(C) 4575/2018**

RANBIR KAUR

..... Petitioner

Through: Mr. Naresh Kumar Bansal with Mr.
Alok Sinha, Advs.

versus

UNION OF INDIA AND ORS.

..... Respondent

Through: Mr. Bhagwan Swarup Shukla, CGSC
with Mr. Kamaldeep, Adv. for R-1 &
2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

%

01.05.2018

CM APP No.17724/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 4575/2018 & CM APP No.17723/2018

2. Issue notice.

3. At request of the Court, Mr. Shukla accepts notice on behalf of the official respondents.

4. In view of the order that I propose to pass, Mr. Shukla does not wish to file a counter affidavit.

5. The record shows that the defaulting company goes by the name: "Habitat Space & Infra Private Limited" (for short "HSIPL"). It is the writ petitioner's case that since HSIPL had not filed its financial statements and statutory returns as required under the extant provisions of law, its name was struck off from the Register of Companies.

W.P.(C) 4575/2018

Pg.1 of 3

5.1 The master data appended to the petition shows that at the given point in time, there were three Directors on the Board of HSIPL. These being: Ravi Malik, Renu Malik and the writ petitioner (Ranbir Kaur).

5.2 It appears that Ravi Malik had approached this Court by way of a writ petition being W.P.(C) No.3105/2018. This writ petition was disposed of by another learned Single Judge vide order dated 28.3.2018. By virtue of this order liberty was granted to Mr. Ravi Malik to avail of the benefits of the Condonation of Delay Scheme, 2018 (“Scheme”) in consonance with the directions contained therein.

6. Mr. Bansal, who appears for the petitioner, says that, in fact, Mr. Ravi Malik has also filed an appeal before the NCLT, which he proposes to withdraw, in view of the order dated 28.3.2018, passed by this Court. Mr. Bansal further submits that the writ petitioner had also moved an application before the NCLT for being impleaded as a party.

6.1 It is, thus, the submission of Mr. Bansal that given these circumstances, the writ petitioner’s DIN and DSC be activated and her name may be excluded from the impugned list of disqualified directors, as was ordered in the case of Mr. Ravi Malik.

7. Mr. Shukla, who appears for the official respondents, on the other hand, says that the matter needs to be inquired into by the ROC.

7.1 I tend to agree with the submission of Mr. Shukla.

8. Accordingly, the writ petition is disposed of with a direction that the writ petitioner would appear before the ROC on 8.5.2018 at 11.00 a.m. The ROC will ascertain the correct position and thereafter, pass a speaking order. A copy of the order, so passed, will be furnished to the counsel for the writ

petitioner.

9. In case the writ petitioner is aggrieved by ROC's order, she will have liberty to assail the same in the manner known to law.

10. Pending the inquiry by ROC, the operation of the impugned list of disqualified directors will remain stayed insofar as it concerns the writ petitioner.

11. Furthermore, the ROC will activate the Petitioner's DIN and DSC. The ROC will, however, have the liberty to vary or even withdraw the facility after hearing the writ petitioner and/or her representative, if such a situation arises.

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

RAJIV SHAKDHER, J

MAY 01, 2018/pmc