

\$~49

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

+ W.P.(C) 4527/2018

MAYA CAROLI

..... Petitioner

Through: Mr. Vivek Malik with
Mr. Dhawal Jain, Advs.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Rajesh Kumar Gogna,
CGSC for R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **01.05.2018**

CM APP No.17512/2018(exemption)

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 4527/2018 & CM APP No.17511/2018

3. Issue notice.
4. Mr. Rajesh Kumar Gogna, learned counsel accepts notice on behalf of the official respondents. In view of the order, I propose to pass the order Mr. Gogna states that he does not wish to file a counter affidavit in the matter.
5. The petitioner claims to have been appointed as the director on the Board of Dynagro (India) Private Ltd. and Gummi Metall Technik (India) Private Ltd. [in short "GMT India"].

6 It is the assertion of the petitioner that while her name has been put in the list of disqualified directors for financial year 2012-2014 by the ROC in exercise of powers under Section 164(2)(a), Companies Act, 2013, the subject company i.e. GMT (India) continues to be shown as an active and fully functional entity.

5.1 For this purpose my attention has been drawn to page 37 of the paper book.

6. Learned counsel for the petitioner states that insofar as GMT (India) is concerned, there is dispute with regard to management of the same which is pending adjudication, at present, now before this Court in the form of an appeal, numbered as : Co.A(SB)38/2012.

6.1 As a matter of fact, my attention has also been drawn in this behalf to the assertions made in para 7 at page 11 of the writ petition.

7. Having regard to the aforesaid facts and circumstances and the assertions made in the writ petition, the writ petition is disposed of with the following directions:-

- i) The petitioner will appear on her own or via her authorized representative before the ROC on 10th May, 2018 at 11.00 am.
- ii) The ROC, after having the petitioner and/or her authorized representative will pass the speaking order.
- iii) The ROC, will ascertain as to whether the claim made by the petitioner that there obtains a management dispute is correct or not.
- iv) The ROC, will also rule as to whether in these circumstances and, especially, given the fact that GMT (India) is shown as an

active and fully functional company, the petitioner's name ought to be included in the list of disqualified directors.

- v) Pending conclusion of the aforesaid enquiry insofar as the petitioner is concerned, the operation of list of disqualified directors will remain stayed. Furthermore, the petitioner's DIN and DSC will be re-activated by the ROC. It is further made clear that the ROC will have the authority to vary or withdraw the facility if the situation so demands.
- 8. Accordingly the all pending applications shall stand closed.
- 9. Dasti under signatures of the Court Master.

RAJIV SHAKDHER, J

MAY 01, 2018/ak