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

+ W.P.(C) 4587/2018 & CM. APPL. No.17744/2018

MITHILESH KUMAR

..... Petitioner

Through: Mr. Vishnu Prabhakar Singh, Adv.

versus

UNION OF INDIA AND ANR.

..... Respondent

Through: Mr. Ripu Daman Bhardwaj, CGSC
with Mr. Brajesh Kumar, Adv. for
UI.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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01.05.2018

1. Issue notice.
2. Mr. Bhardwaj accepts notice for the respondents.
3. In view of the order that I propose to pass, Mr. Bhardwaj does not wish to file a counter affidavit in the matter.
4. The record shows that the defaulting company goes by the name: "JSB Total Broadcast Communication Private Limited" (for short "JSB"). The master data of JSB shows that at the relevant point in time, two persons were appointed on its Board of Directors, one of which was the petitioner. The other director, that is, Mr. Jesus Mantoo is not a party before this Court.
 - 4.1 I am told by learned counsel for the petitioner that Mr. Jesus Mantoo has shown no interest in approaching this Court for relief.

5. Furthermore, counsel for the petitioner says that the petitioner is impacted with the continued inclusion of by his name in the list of disqualified directors as he is on the board of other companies, which are active and fully functional. For this purpose, my attention is drawn to page 62 of the paper book.

6. Mr. Bhardwaj, who appears for the respondents, says that the assertions of the petitioner made before this Court can be inquired into by the ROC.

6.1 I tend to agree with this submission of Mr. Bhardwaj.

7. Accordingly, writ petition is disposed of with a direction that the 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 will be furnished to the counsel for the petitioner.

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

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

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

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

RAJIV SHAKDHER, J

MAY 01, 2018/pmc