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

+ **W.P.(C) 4577/2018**

PRADIP KUMAR CHAKRAVARTY & ORS Petitioner
Through: **Mr. Ashish Singh, Adv.**

versus

UNION OF INDIA & ORS Respondent
Through: **Ms. Anju Gupta with Mr. Mohit Bhardwaj and Mr. R.L. Goel, Adv.**
for R-1 & 2.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **01.05.2018**

CM Appl. No.17728/2018

1. Allowed, subject to all just exceptions.

W.P.(C) No.4577/2018 & CM. Appl. No.17727/2018

2. Issue notice. Mr. Ripu Daman Bhardwaj, CGSC accepts notice on behalf of the official respondents.

3. Learned counsel for the petitioners, says that he wishes to approach the NCLT for reviving company by the name: Mercury Cranes & Hoists Limited (hereinafter referred to as "Company").

4. 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.

5. 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.

6. 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.

7. 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 fails to take requisite steps under the Condonation of Delay Scheme, 2018 ("Scheme") after it is ordered to be revived by NCLT.

8. Dasti under signatures of the Court master.

RAJIV SHAKDHER, J

MAY 01, 2018/pmc