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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 4601/2018, CM APP No.17765/2018
MANOJ CHANDRA MISHRA Petitioner
Through: Mr. Rajeev Ranjan Pandey, Adv.

Versus

UNION OF INDIA AND ANR. Respondents
Through: Mr. Dev P. Bhardwaj, CGSC with
Mr. Kanishk Arora &
Ms. Anubha Bhardwaj, Adv. for R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **01.05.2018**

1. Issue notice.
2. Mr. Dev P. Bhardwaj, learned counsel accepts notice on behalf of the respondents. Mr. Bhardwaj does not wish to file a counter affidavit in the matter in view of the directions I intend to pass.
3. The defaulting company in this case is Lords & Knights Hospitality Services Private Ltd. (LKPL). According to the petitioner the name of LKPL was struck off from the Register of the Companies on account of failure to file financial statements and statutory returns.
 - 3.1 Resultantly, the petitioner along with other two persons who were appointed as Directors on the Board of LKPL attracted disqualification.
 - 3.2 The list of disqualified directors which is appended at page 16 of the paper book shows the name of the petitioner and the other two directors i.e. Mr. Gagnish Arora and Mr. Tapan Thakur.

4. Counsel for the petitioner states that Mr. Gagnish Arora has resigned from LKPL and that Mr. Tapan Thakur had expired. Unfortunately, neither the resignation nor the death certificate has been placed on record.

5. Given these circumstances, Mr. Bhardwaj states that matter could be remitted to the ROC for necessary enquiry.

5.1 I tend to agree with submission made by Mr. Bhardwaj.

6. Accordingly, the writ petition is disposed of with the following directions:

- i) The petitioner will appear before the ROC on 10th May, 2018 at 11.00 am.
 - ii) Upon the petitioner producing the resignation letter and the death certificate pertaining to persons referred to above, the ROC will consider the request of the petitioner for excluding his name from the impugned list of disqualified directors.
 - iii) Furthermore, if a request is made for activation of DIN and DSC, the same will also be considered by the ROC. The ROC will pass a speaking order; a copy of which will be furnished to the petitioner. In case, the petitioner is aggrieved, he will have liberty to assail the same in the manner known to law.
7. The writ petition, along with all pending applications, is disposed of in the aforementioned terms.
8. *Dasti* under signatures of the Court Master.

RAJIV SHAKDHER, J

MAY 01, 2018/ak

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