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

+ W.P.(C) 4699/2018 & C.M. Appl. Nos.18101-02/2018

NITIN AGARWAL Petitioner

Through: Ms. Prachee Satija and Ms. Radkhika
Gupta, Advocates.

versus

UNION OF INDIA & ANR Respondents

Through: Mr. P.S. Singh with Ms. Anu Singh,
Advocates for R-1 & 2,

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **04.05.2018**

1. Issue notice.
2. Mr. P.S. Singh accepts notice on behalf of the official respondents.
3. In view of the order that I propose to pass, learned counsel for the respondents says that he does not wish to file a counter affidavit in the matter.
4. Learned counsel for the petitioner says that the defaulting company is an entity by the name Exey Technologies Private Limited (ETPL).
 - 4.1 It is stated that ETPL at the relevant point in time had on its Board two Directors, that is, the petitioner and, one, Mr. Rajesh Choudhary.
 - 4.2 It is further stated that Mr. Rajesh Choudhary has already moved the court by way of a writ petition, which was numbered as W.P.(C)4481/2018. I am also informed that the said writ petition came up for hearing before the Division Bench -I.

4.3 Learned counsel, in this behalf, has drawn my attention to Annexure A-1 appended to affidavit dated 03.05.2018, filed by Mr. Rajesh Choudhary, which has been placed before me, in Court, today. Annexure A-1 includes a copy of the order dated 27.04.2018, passed in W.P. (C) No.4481/2018, titled: *Rajesh Choudhary vs. Union of India and others*.

4.4 Vide this order, the Division Bench has permitted Mr. Rajesh Choudhary to avail of the benefits of Condonation of Delay Scheme, 2013 (in short 'Scheme'). Furthermore, the Division Bench has also issued a direction to activate Mr. Rajesh Choudhary's DIN.

5. Learned counsel for the petitioner says that Mr. Rajesh Choudhary is in the process of making the requisite filings in terms of the directions contained in the order dated 27.04.2018.

6. Given this background, the only direction that the petitioner seeks is that his DIN and DSC be re-activated.

6.1 Mr. Singh, says, having regard to the order passed by the Division Bench, he does not wish to oppose the prayer made to this court.

7. Thus, having regard to the aforementioned circumstances, the ROC is directed to activate the petitioner's DIN and DSC. This direction is issued with the caveat and the assurance of the petitioner's counsel that Mr. Rajesh Choudhary will take the steps as envisaged in the Division Bench's order, dated 27.04.2018. In case the directions contained in the said order are not complied with, the ROC will be at liberty to withdraw and/or de-activate the petitioner's

DIN and DSC.

8. The Registry will scan and upload the affidavit of Mr. Rajesh Choudhary, dated 03.05.2018, along with Annexure A-1, for the purposes of record.
9. Petition is disposed of in the aforesaid terms.
10. Pending applications shall stand closed.
11. Dasti under signatures of the Court Master.

RAJIV SHAKDHER, J

MAY 04, 2018
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