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

+ W.P.(C) 5034/2018

PRATEEK CHAUDHARY & ANR Petitioners

Through: Mr Aayush Aggarwal, Advocate.

versus

REGISTRAR OF COMPANIES & ORS Respondents

Through: Mr Vikram Jetly, CGSC for R-1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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30.07.2018

1. The petitioner has filed the present petition impugning the list of disqualified Directors dated 12.09.2017 (hereafter 'the impugned list') published by the respondents to the extent it includes their names.
2. The learned counsel appearing for the petitioners has referred to the impugned list, which indicates that the petitioners have been disqualified under Section 164(2)(a) of the Companies Act, 2013 on account of default committed by R. R. Broadcast Media Services Private Limited in filing the requisite returns. It is the case of the petitioners that they had resigned from the said company as early as on 21.05.2014. The learned counsel appearing for the petitioners also drew the attention of this Court to Form DIR-11 filed by the petitioners before the Registrar of Companies (ROC) in this regard.
3. In addition to the above, it is also pointed out that there are other companies, in which the petitioners were Directors, that have been struck off from the Register of Companies. The learned counsel appearing for the

petitioners states that the said companies – namely, K. R. F. Printers Supply Company Private Limited; Shweta Garment Accessories Private Limited; and Suruchi Information Technologies Private Limited – are defunct companies and the petitioners had filed the requisite forms for removal of their name from the Register of Companies in terms of Section 560 of the Companies Act, 1956. The learned counsel has also drawn the attention of this Court to Form FTE submitted by the petitioners before the ROC in this regard.

4. If the averments made in the petition are correct, the action of disqualifying the petitioners under Section 164(2)(a) of the Companies Act, 2013, is unsustainable. In view of the same, the present petition is allowed and the impugned list of disqualified Directors, to the extent it includes the name of the petitioners, is set aside.

5. It is, however, clarified that this would not preclude the ROC from issuing a fresh show cause notice in the event the ROC is of the view that any action against the petitioners is warranted or that any averment made by the petitioners is incorrect. Needless to state that the ROC shall afford the petitioners sufficient opportunity to be heard and respond to the allegations, before passing any adverse orders.

6. The petition is disposed of in the above terms.

VIBHU BAKHRU, J

JULY 30, 2018
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