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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5032/2018**
ABHISHEK TREHAN

..... Petitioner

Through: Mr. Neeraj Yadav and Ms. Aditi
Sharma, Advocates.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr. Bhagvan Swarup Shukla, CGSC
with Mr. Kamaldeep, Advocate for
UOI.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **14.05.2018**

C.M. Appl. No.19390/2018

1. Allowed, subject to just exception.

W.P.(C) 5032/2018 & C.M. Appl. No.19389/2018

2. Issue notice.

2.1 Mr.Shukla accepts notice on behalf of the official respondents.

3. In view of the order, I propose to pass, Mr.Shukla says that he does not wish to file a counter affidavit in the matter.

4. The principal grievance of the petitioner is that his name has been included in the list of disqualified directors on account of defaults committed by a company by the name of Alternative Venture Pvt. Ltd (AVPL). Learned counsel for the petitioner submits that the petitioner was appointed as an additional Director by virtue of resolution passed at the Board of Directions' meeting of AVPL held

on 12.09.2014. It is the case of the petitioner before me that as mandated by law, he should have continued as additional director only till the next Annual General Meeting (AGM). According to the petitioner, the last AGM of AVPL was held on 30.09.2013.

5. Therefore, in sum, the petitioner submits that he ceased to be a director qua AVPL after 30.9.2013 and, therefore, his name ought not to have been included in the list of disqualified directors.

6. Mr. Shukla, who appears for the respondents, says that the matters require to be enquired into by the ROC.

6.1. I tend to agree with the submission made by Mr. Shukla.

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

(i) The petitioner will appear before the ROC on 01.06.2018 at 03:00 PM;

(ii) The ROC will grant a personal hearing to the petitioner and also allow him to present additional documents, if any, apart from those which are already appended to the captioned writ petition.

(iii) The ROC will pass a speaking order; a copy of which will be furnished to the petitioner.

8. Pending the enquiry, the operation of the impugned list of disqualified directors will remain stayed insofar as the petitioner is concerned.

9. Furthermore, the DIN & DSC of the petitioner will be activated. It is, however, made clear that the ROC will have the authority to vary or withdraw the facility given with regard to the aforesaid, in case the situation so demands.

10. Pending application shall stand closed.
11. *Dasti* under the signatures of Court Master.

RAJIV SHAKDHER, J

MAY 14, 2018

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