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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5398/2018

SIMRAN LAKHWINDER SINGH

..... Petitioner

Through: Appearance not given.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Vivek Goyal, CGSC with Mr.
Harsh Pandit, Advocate for R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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18.05.2018

1. Issue notice.
2. Mr. Harsh Pandit accepts notice on behalf of the official respondents.
3. Learned counsel for the official respondents says that in view of the order that I propose to pass, he does not wish to file a counter affidavit in the matter.
4. It is the petitioner's assertion that he resigned from the Board of the company by the name: Tatva Consulting Private Limited (TCPL) on 01.01.2017. It is the case of the petitioner that at the relevant point in time the TCPL had on its Board, two Directors which included the petitioner; the other Director, according to the petitioner, was one Mr. Shishir Sharma. It is the petitioner's submission that his resignation was not uploaded on the MCA portal.

5. It is the petitioner's case that he as the board of directors of other companies, which are active and functional. My attention, for this purpose, has been drawn to page 54 of the paper book.

6. In these circumstances, the writ petition is disposed of with the following directions:

(i) ROC will consider the representation of the petitioner.

(ii) The ROC will grant a personal hearing to the petitioner and/or his representative. For this purpose, he will appear on 1.6.2018 at 3.00 PM before the ROC.

(iii) The ROC will pass a speaking order. A copy of the speaking order will be furnished to the petitioner. Pending enquiry, the operation of the list of disqualified directors, insofar as it includes the name of the petitioner, shall remain stayed.

(iv) Furthermore, ROC will re-activate the DIN & DSC of the petitioner. It is, however, made clear that the ROC will have the liberty to vary or withdraw the said facility, in case the situation demands issuance of such an order.

7. Pending application(s) shall stand closed.

8. *Dasti* under the signatures of the Court Master.

RAJIV SHAKDHER, J

MAY 18, 2018

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