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

+ W.P.(C) 5922/2018 and CM Nos.23115-16/2018

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Date of decision : 29th May, 2018

VIKAS GOEL & ANR Petitioners
Through : Mr. Rishabh Jain, Adv.

versus

UNION OF INDIA & ANR Respondents
Through : Mr. Vikram Jetly, CGSC for
R-1 & 2.

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

CM Nos.2115-16/2018 (exemption)

Allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C)5922/2018

1. Issue notice to the respondents as to why rule *nisi* be not issued.
2. Mr. Vikram Jetly, learned CGSC accepts notice on behalf of respondents.
3. The petitioners were the Directors of Arvee Wires Pvt. Ltd. and had submitted his resignation to the Board of Directors on 8th

April, 2011. However, the Board of Directors failed to take requisite steps for informing the Registrar of Companies. The respondents are not in a position to deny this position.

4. The writ petitioners *inter alia* seek quashing of the notices dated 6th September, 2017 and 12th September, 2017 issued by the Ministry of Corporate Affairs at New Delhi by way of which they stood disqualified from performing as a Directors in any company.

5. In this background, as the petitioners had ceased to be the Directors of the Company, as stated by them, on 8th April, 2011 and that they could not have been penalized for the failure of the company to effect statutory compliances.

6. In view of the above, it is directed as follows :

(i) The respondents shall forthwith take steps for removal of the petitioners' name from the list of disqualified directors and to alienate their DIN.

(ii) The orders to this effect would be posted on the website and shall also be communicated to the petitioners within two weeks from today.

(iii) It is clarified that this would not preclude the Registrar of Companies from passing a fresh order disqualifying the petitioners, if any material is found or produced before the ROC to indicate that the petitioners' statement that the petitioners had never consented to act as the Directors of the Company, is false, or any material is produced which establishes that the petitioners had acted as the Directors of the Company in any manner.

7. This writ petition is allowed in the above terms.
Dasti under signatures of the Court Master.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

MAY 29, 2018

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