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

+ **W.P.(C) 7626/2018**

TARUN JAGGI

..... Petitioner

Through Mr Hitesh Sachar, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through Mr Bhagvan Swarup Shukla, CGSC with
Mr Kamaldeep, Advocate for R1 and R2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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24.07.2018

CM 29169/2018

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. The petitioner has filed the present petition, *inter alia*, impugning the list of the disqualified directors published on the website of respondent no.1 to the extent it includes the name of the petitioner. The petitioner states that he has been disqualified under Section 164(2)(a) of the Companies Act, 2013 on account of defaults committed by respondent no.3 (Tripsy Restaurants Private Limited) in filing the requisite returns with respondent no.2 (ROC).

4. The petitioner states that he was appointed as a Director of the said company – Tripsy Restaurants Private Limited – on 03.08.2009; however, he resigned from the Board of Directors of the said company on 31.03.2010. The petitioner further states that an intimation to the aforesaid effect was filed with the ROC (form DIR-11 vide SRN No. S29943222) on 13.05.2014. The name of respondent no.3 company has been removed from the Register of Companies in terms of Section 248 of the Companies Act, 2013.

5. The learned counsel for the petitioner further pointed out that the petitioner had filed the application dated 10.05.2018, under the Right to Information Act, 2005, *inter alia*, seeking information regarding the status of the form – DIR-11 vide SRN No. S29943222 – filed on 13.05.2014. The ROC had responded to the said application by a letter dated 08.06.2018. In its response, the ROC has unequivocally stated that “*status of SRN is approved*”. The learned counsel appearing for the petitioner states that since the information regarding the petitioner resigning as a Director of the said company was approved, there is no question of the petitioner being disqualified on the assumption that he continued to be a Director of the said company.

6. In view of the above averments, the present petition is allowed and the impugned list of disqualified directors to the extent it includes the name of the petitioner is set aside. The ROC is further directed to revalidate the petitioner’s DIN (Director Identity Number) within a period of two weeks from today.

7. It is clarified that if the ROC, after examining the relevant facts of the case, is of the view that the petitioner is disqualified to act as a Director, it is not precluded from issuing a show cause notice and passing an appropriate

order in this regard after affording the petitioner an opportunity of being heard.

8. The petition is disposed of in the aforesaid terms. The pending application also stands disposed of.

VIBHU BAKHRU, J

JULY 24, 2018

pkv