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

+ W.P.(C) 8532/2018 & CM NO. 32792/2018

M/S VIJAY PURI PROPERTIES PVT. LTD.  
AND ANR.

..... Petitioners

Through: Mr. A.P. Dhamija, Advocate

versus

THE REGISTRAR OF COMPANIES

..... Respondent

Through: Mr. Mahnder Kr. Bhardwaj and Ms.  
Vinita Kumari Ashutosh, Advocates  
for R-1

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**  
**14.08.2018**

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1. The petitioner has filed the present petition, *inter alia*, praying as under:

“(a) Issue appropriate writ, order or direction directing the respondent ROC to place the Director of the company in the same position as if the name of the company had not struck off from the Register of the Registrar of the Company; and”

2. Petitioner No.2 is a director of petitioner No.1 (company). The petitioners state that the name of petitioner No.1 (company) was struck off from the Register of Companies on 30.06.2017. This was for the reason that petitioner No.1 (company) and its directors had defaulted in filing the necessary returns (Annual Returns and Financial Statement) with the Registrar of Companies, NCT of Delhi and Haryana (hereafter the “RoC”)

3. The petitioners appealed against the said decision before the National Company Law Tribunal (hereafter “NCLT”). By an order dated 05.07.2018, NCLT had allowed the petitioner’s appeal and directed restoration of name of petitioner No.1 (company) on the Register of Companies, subject to payment of ₹25,000/- to be deposited with the Prime Minister Relief Fund.

4. The petitioners state that the said amount has been deposited. A copy of the receipt dated 19.07.2018 evidencing deposit of the aforesaid amount is also filed along with the present petition.

5. The petitioners are essentially aggrieved as their DIN (Directors Identification Number) and DSC (Digital Signature Certificate) has been disabled by RoC. This is on account of directors of petitioner No.1 (company) being disqualified on account of default committed in filing necessary returns. The difficulty faced by the petitioners is that since directors of petitioner No.1 have been disqualified, the petitioners are unable to file the necessary returns as required in terms of order dated 05.07.2018 passed by the NCLT.

5. The directors of petitioner No.1 have suffered an independent disqualification on account of failure to file returns on time; however, the orders passed by NCLT are required to be complied with.

6. In view of the above, this Court directs the RoC to revalidate DIN and DSC of the directors of petitioner No.1 for a further period of 45 days effective from 20.08.2018.

7. Petitioners shall ensure that the requisite returns pertaining to the petitioner No.1 are filed during the said period.

8. The directors of petitioner no.1 (company) would be entitled to challenge the action of their disqualification by independent proceedings.
9. The petition, along with pending applications, is disposed of in the aforesaid terms.
10. Order *dasti* under the signatures of the Court Master.

**VIBHU BAKHRU, J**

**AUGUST 14, 2018**

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