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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 8789/2018

SMT. VIJAY KUMARI NAGPAL AND ANR. Petitioners

Through Ms. Neha Garg, Advocate
Mr. Sanjay Sharma, Advocate

versus

MINISTRY OF CORPORATE AFFAIRS. Respondent

Through Mr. Bhagvan Swarup Shukla, CGSC
with Mr. Kamaldeep, Advocate for R-
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CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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21.08.2018

W.P.(C) 8789/2018

1. Issue notice. The learned counsel appearing for the respondent accepts notice.
2. The petitioners have filed the present petition, *inter alia*, praying as under:-

“It is, therefore, respectfully prayed to this Hon’ble Court that the disqualification on the petitioners imposed by respondent under section 164(2) (a) of Companies Act, 2013 may be removed which is a consequential relief of order dated 09.07.2018 passed by Hon’ble N.C.L.T., New Delhi”

3. The petitioners are directors of the company named M/s Sheenu Chits Pvt. Ltd. (hereafter ‘the Company’). The name of the Company was struck off from the Register of Companies on account of the default committed in

filing the statutory returns and financial statements. The petitioners were also disqualified for acting as directors for a period of five years on account of the said defaults committed by the Company.

4. The Company (through the petitioners herein) preferred an appeal under Section 252 of the Companies Act, 2013 (hereafter 'the Act') before the National Company Law Tribunal (NCLT) impugning the action of the respondent in striking off the name of the Company from the Register of Companies. The said appeal was allowed by an order dated 09.07.2018 and the name of the Company was directed to be restored on the Register of Companies, subject to the petitioners depositing a sum of ₹25,000/- in the Prime Minister's Relief Fund and also furnishing the requisite returns/financial statements.
5. The Petitioners' predicament is that in terms of the order passed by the NCLT, they are now required to comply with the filing of the requisite returns/documents but are unable to do so as the Director's Identification Number (DIN) & Director's Signature Certificate (DSC) have been suspended on account of them being disqualified under Section 164(2)(a) of the Act.
6. Plainly, the order passed by the NCLT is required to be complied with. In this view, the respondent is directed to reactivate the DIN of the petitioners for a period of 8 weeks from today. This is to enable the petitioners to file the requisite returns of the Company to comply with the requirements of the order dated 09.07.2018 passed by the NCLT. If the petitioners fail to comply with the requirements of the order dated

09.07.2018 and fail to file the requisite returns within a period of forty-five days, the petitioners' DIN and DSC shall be deactivated.

7. The petition is disposed of in the aforesaid terms.

AUGUST 21, 2018/ab

VIBHU BAKHRU, J