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

+ **W.P.(C) 8838/2018**

SHARDA PRASAD YADAV AND ORS. Petitioners

Through Mr Mukesh Kumar, Ms Meenakshi Sood,
Advocates.

versus

UNION OF INDIA AND ANR. Respondents

Through Mr Vikram Jetly, CGSC for R1 and R2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **24.08.2018**

CM 33988/2018

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

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3. The petitioners have filed the present petition, *inter alia*, impugning the list of disqualified directors to the extent it includes the name of the petitioners.

4. It is the petitioners' claim that they have been disqualified to act as directors under Section 164(2)(a) of the Companies Act, 2013 on account of the defaults committed by M/s Credible Agro & Land Limited (hereafter 'the said company') in filing their requisite returns. The petitioners' claim that they were never directors of the said company and have been incorrectly

shown as such. The learned counsel appearing for the petitioners states that the petitioners have also not filed any form giving their consent to act as directors of the said company. Further, they also do not have any shareholding in the said company. The learned counsel for the petitioners states that a representation in this regard was made to the ROC; however, the same has not been considered since the name of the said company was removed from the Register of Companies. The learned counsel for the petitioners further submits that the petitioners would be satisfied if a direction is issued to the ROC to consider their representation.

5. In view of the above, the present petition is disposed of by directing the ROC to consider the representation made by the petitioners as well as the averments made in the present petition and take an informed decision within a period of eight weeks from today, after affording the petitioners a due opportunity of being heard. It is clarified that the fact that the name of the said company has been removed from the Register of Companies shall not influence the ROC in any manner, in considering the petitioners' representation.

6. The petition is disposed of in the above terms.

VIBHU BAKHRU, J

AUGUST 24, 2018

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