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

\+ W.P.(C) 8944/2018

GHANSHYAM DAS GUPTA AND ANR ...... Petitioners

Through: Mr Rakesh Dahiya, Advocate.

versus

UNION OF INDIA AND ANR ...... Respondents

Through: Ms Shubhra Parashar and Mr V.P.S. Charak, Advocates for R-1 & 2.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

% **27.08.2018**

CM APPL. 34372/2018

1. Exemption is allowed, subject to all just exceptions.

2. The application stands disposed of.

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3. Issue notice. The learned counsel for the respondents accepts notice.

4. The petitioners have filed the present petition being aggrieved by non-activation of the Directors Identification Number (being DIN Nos. 03232176 and 03232166). The petitioners state that they had been disqualified from acting as directors by virtue of the provisions of Section 164(2) of the Companies Act, 2013 (hereafter 'the Companies Act') for defaults committed in relation to a company named G.D. Fixtures & Fittings Private Limited (hereafter "the Company"). The Company's name was also struck off from the Register of Companies under Section 248 of the Companies Act.

5. The petitioners had filed an appeal (No. 625/252/ND/2018) under Section 252 of the Companies Act before the National Company Law

Tribunal (NCLT), assailing the decision to strike off the name of the Company from the Register of Companies. The petitioners have succeeded in the said appeal. By an order dated 16.07.2018, NCLT has directed that the name of the Company be restored on the Register of Companies subject to all outstanding documents being filed with the ROC along with proper filing fees and additional fees. The same is also subject to costs of ₹25,000/- to be paid to the Prime Minister's Relief Fund.

6. The petitioners state that as far as the costs are concerned, the sum of ₹25,000/- has already been deposited with the Prime Minister's Relief Fund. However, they are unable to file the outstanding documents as their DIN has not been activated.

7. Plainly, the petitioners having succeeded before the NCLT, cannot be impeded in complying with the order passed in their appeal. In view of the above, the respondents are directed to activate the DIN of the petitioners so as to enable them to comply with the orders dated 16.07.2018 passed by the NCLT. It is, however, clarified that in the event the petitioners are unable to file the requisite returns in respect of the company as directed by the NCLT within a period of 45 days of such activation, the ROC shall be at liberty to de-activate their DINs. The petitioners shall also furnish the proof of having deposited the costs in terms of the orders passed by NCLT, to the ROC within a period of one week from today.

8. The petition is disposed of with the aforesaid directions.

9. Order *dasti* under signature of Court Master.

VIBHU BAKHRU, J

AUGUST 27, 2018/RK