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

+ W.P.(C) 10728/2018

SREERAMA DURGA MANIDHAR DEVINENI Petitioner

Through: Mr M. Srinivas R. Rao and Mr Joydip
Bhattacharya, Advocates.

versus

UNION OF INDIA & ORS Respondents

Through: Mr Jaswant Rai Aggarwal with Mr
Vikrant N. Goyal, Advocates for R-1
to R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **08.10.2018**

C.M. No.41820/2018

1. Allowed, subject to all just exceptions.

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2. Issue notice. Learned counsel appearing for the respondents accepts notice.

3. The petitioner has filed the present petition, *inter alia*, impugning a list of disqualified directors to the extent it includes the petitioner's name. It is the petitioner's case that he was appointed as an Additional Director on the Board of M/s Connected Solutions Pvt. Ltd. on 03.09.2015. He claims that despite enquiries from the said company he did not receive any information regarding any progress or plan of the said company.

4. On 30.06.2017, the name of M/s Connected Solutions Pvt. Ltd. was

struck off from the Register of Companies. Consequently, the petitioner has also been disqualified from acting as a Director.

5. The learned counsel appearing for the petitioner has drawn the attention of this Court to the Form DIR-12 filed with the Registrar of Companies, which indicates that the petitioner was appointed as an Additional Director. The term of office of Additional Director is only till holding of the Annual General Meeting, which in this case ought to have been held on or before 30.09.2015. The petitioner states that he was not confirmed as a Director and therefore, demitted office on 30.09.2015. In this view, the petitioner could not be disqualified to act as a Director on account of the defaults committed by the company M/s Connected Solutions Pvt. Ltd.

6. In view of the above, the impugned list of disqualified Directors to the extent it includes the petitioner's name is set aside. It is clarified that this would not preclude the Registrar of Companies from issuing a fresh notice to the petitioner, if any of the averments made by the petitioner are found to be incorrect and/or the ROC is of the view that it is otherwise warranted. The ROC may, thereafter, pass such orders that it considers fit after affording the petitioner due opportunity to be heard.

7. The petition is disposed of with the aforesaid clarification.

8. Order *dasti*.

VIBHU BAKHRU, J

OCTOBER 08, 2018
MK