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

+ **W.P.(C) 11697/2018 and CM No. 45255/2018**

AMITESH KUMAR SAHU & ANR Petitioners
Through: Mr S. Krishnan and Mr A. Borbora,
Advocates.
versus

UNION OF INDIA AND ORS. Respondents
Through: Counsel (appearance not given).

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **29.10.2018**

1. Issue notice. The learned counsel for the respondents accept notice.
2. The petitioners have filed the present petition, *inter alia*, impugning the list of disqualified directors to the extent it includes their names. It is stated that the petitioners have been disqualified on account of default in filing the returns committed by M/s PhotoMedex India (P.) Ltd. The petitioners claim that they had resigned from the said company and had filed the Forms (DIR-11) indicating their resignation from the said company with effect from 15.03.2017.
3. According to the petitioners, they cannot be held responsible for the non-filing of returns for a period of three years, as the said period would end in November, 2018.
4. This Court is of the view that the said contentions are required to be examined by the Registrar of Companies (ROC) in the first instance.
5. Accordingly, the impugned list of directors to the extent it includes

the names of the petitioners is set aside. The ROC is directed to examine the averments made in the present petition and take an informed view after giving the petitioners an opportunity of being heard.

6. The petition is disposed of in the aforesaid terms. The pending application is also disposed of.

OCTOBER 29, 2018
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VIBHU BAKHRU, J