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

+ W.P.(C) 11991/2018

PANKAJ AGARWAL AND ORS. Petitioners

Through: Mr Dinesh Kumar Sabharwal and Mr
Sameer, Advocates.

versus

REGISTRAR OF COMPANIES Respondent

Through: Mr Bhagvan Swarup Shukla, CGSC
with Mr Kamaldeep and Mr Shravan
Kumar, Advocate for UOI/R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **11.12.2018**

1. The petitioners have filed the present petition, *inter alia*, praying as under:-

“i. Issue a writ of Mandamus or any other writ/order for the removal of disqualification of the Petitioners 1 and 2, for the purpose of compliance of the notice dated 23.12.2017.”

2. The petitioners were Directors of M/s Creation Commodity Service Pvt. Ltd. and were disqualified on account of defaults committed in respect of the said company. The name of the said company was also removed from the Register of Companies maintained by the Registrar of Companies (ROC) in terms of Section 248 of the Companies Act, 2013.

3. The said company had preferred an appeal before the National Company Law Tribunal (NCLT) under Section 252 of the Companies Act, 2013 against the order striking of its name from the Register of Companies.

The said appeal was allowed by an order dated 07.06.2018 and NCLT has directed that the name of Creation Commodity Service Pvt. Ltd be restored on the Register of Companies. The NCLT has further directed the petitioners to file the requisite forms/returns and fulfil its statutory requirements. Considering that the respondent does not accept filings in hard copies, it is necessary that the DIN and DSC of the petitioners be restored in order to enable them to implement the said order.

4. In view of the above, it is directed that the names of the petitioners be deleted from the list of disqualified directors for a period of two months from today in order for the petitioners to fulfil the statutory compliances.

5. It is clarified that this would not preclude the petitioners from instituting a substantial action from challenging their disqualification.

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

VIBHU BAKHRU, J

DECEMBER 11, 2018
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