

\$~23, 43, 47, 48, 49, 66

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

Date of Decision: 15th March, 2018

+ W.P.(C) 1220/2018

SUNNY GUPTA

..... Petitioner

Through : Mr. Manish Gupta, Adv

versus

UNION OF INDIA AND ANR.

..... Respondents

Through : Ms. Maninder Acharya,
ASG with Mr. Sanjeev
Sabharwal, and Mr. R.K.
Tiwari, ROC; Sh. Sanjay
Shorey, Jt. Director

+ W.P.(C) 10809/2017

AKHIL KUMAR SUREKA AND ORS.

..... Petitioner

Through Mr. Hrishikesh Baruah, Adv

versus

UNION OF INDIA AND ORS.

..... Respondent

Through : Ms. Maninder Acharya,
ASG with Mr. Bhagvan
Sarup Shukla, CGSC, and
Mr. R.K. Tiwari, ROC; Sh.
Sanjay Shorey, Jt. Director

+ W.P.(C) 9309/2017

SUMIT GUPTA

..... Petitioner

Through : Mr. Ashish Virmani and Mr.
Dheeraj Kumar, Advs

versus

UNION OF INDIA AND ANR

..... Respondents

Through : Ms. Maninder Acharya,
ASG with Mr. Sanjeev
Sabharwal, and Mr. R.K.
Tiwari, ROC; Sh. Sanjay
Shorey, Jt. Director

+ W.P.(C) 9310/2017

MADHU SUDAN CHOUDHARY

..... Petitioner

Through Mr. Abhishek Puri & Mr.
Rakesh Kumar, Advs.

versus

UNION OF INDIA & ANR

..... Respondent

Through : Ms. Maninder Acharya,
ASG with Mr. Rakesh
Kumar, CGSC and Mr. R.K.
Tiwari, ROC; Sh. Sanjay
Shorey, Jt. Director

+ W.P.(C) 9311/2017

RAJESH GUPTA

..... Petitioner

Through: Mr. Ashish Virmani and Mr.
Dheeraj Kumar, Advs

versus

UNION OF INDIA & ANR

..... Respondent

Through : Ms. Maninder Acharya,
ASG with Mr. Sanjeev
Sabharwal, and Mr. R.K.
Tiwari, ROC; Sh. Sanjay
Shorey, Jt. Director

+ W.P.(C) 9027/2017 & CM Nos.36934/2017

AMIT GUPTA

..... Petitioner

Through : Mr. Ashish Virmani and Mr.
Dheeraj Kumar, Advs

versus

UNION OF INDIA

..... Respondent

Through : Ms. Maninder Acharya,
ASG with Mr. Sanjeev
Sabharwal, and Mr. R.K.
Tiwari, ROC; Sh. Sanjay
Shorey, Jt. Director

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. These writ petitions have been filed by petitioners, who are directors in various company registered under the provisions of Indian Companies Act.
2. Apart from these Companies, the petitioners are stated to be Directors of other companies as well.
3. The writ petition has been instituted in view of the notice

dated 6th September, 2017 and 12th September, 2017 issued under Section 164(2)(a) of the Companies Act, 2013 by the respondents disqualifying the petitioners as Directors in the company for the reason that there was default in submitting returns with regard to the affairs of the said Company which were statutorily required to be filed with the Registrar of Companies for a continuous period of three financial years.

4. The writ petition *inter alia* seeks quashing of the said notices dated 6th September, 2017 and 12th September, 2017.

5. These writ petitioners contend that on account of disputes between the directors/shareholders, the companies had run into difficulty and statutory compliances in the nature of filing returns with the Registrar of Companies were not affected. Proceedings between the directors are stated to be pending before the National Company Law Tribunal.

6. At the time of issuance of notices in the writ petitions, we had granted interim orders of stay of the said notice dated 6th September, 2017 and 12th September, 2017 so far as they concerned the writ petitioners.

7. We are today informed by Ms. Maninder Acharya, learned ASG, on instructions from Mr. Kirtiman Singh, learned CGSC; Mr. Sanjay Shorey, Director (Legal) for the Union of India and Mr. Rakesh Tiwari, Registrar of Companies that the respondents have verified the above position and accept the stated position regarding the pendency of matters before the NCLT regarding the management disputes.

8. It is also an admitted position that all these companies are active companies even on date.

9. In view of this position, it is submitted by Ms. Maninder Acharya, on instructions, that the respondents shall remove these petitioners from the list of disqualified directors.

10. In view of the above, it is directed as follows:

- (i) The respondents shall forthwith take steps for removal of the petitioners' name from the list of disqualified directors.
- (ii) The orders to this effect would be posted on the website and shall also be communicated to the petitioners within two weeks from today.

In view of the above, these writ petitions are allowed in the above terms.

Dasti.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

MARCH 15, 2018