

\$~51

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

Date of Decision: 15th March, 2018

+ W.P.(C) 9850/2017

SHARAT CHAND JAIN AND ORS.

..... Petitioners

Through : Mr. Manish Jain, Mr. Alok
Kuchhal, Mr. Sougat
Ganguly, Mr. Amit Jain, Mr.
Rukban Tyagi, Ms.
Pratikhsha, Mr. Kunal
Yograj, Mr. Anant Negi,
Advs

versus

UNION OF INDIA AND ANR.

..... Respondents

Through : Ms. Maninder Acharya,
ASG with Mr. Vikram
Jetley, CGSC 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. 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.

2. In this case, the petitioner has submitted that there was a default on its part, however before any penal action could be initiated against it by the respondents under the provisions of the Companies Act, 2013, the company made good the default and submitted all requisite statutory returns.

3. Yet, it appears that the petitioners stood disqualified by the notices dated 6th September, 2017 and 12th September, 2017 necessitating the filing of the writ petition.

4. At the time of issuing notice to show cause in the writ petition, we had also granted interim stay of the impugned notices dated 6th September, 2017 and 12th September, 2017 so far as they concern the writ petitioners.

5. We are informed by Ms. Maninder Acharya, learned ASG, on instructions from 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 pursuant to the said orders granted by this court, the Director Identification Number (DIN) of the petitioner was activated by the respondents.

6. It is submitted by Ms. Maninder Acharya, learned ASG, on instructions, that the fact that the deficiencies in the compliances were made good by the company before the notice of

disqualification was uploaded on the website is not disputed and in view thereof the name of the petitioners deserve to be removed from the list of disqualified directors.

7. In view of the above, it is directed that the respondents shall forthwith remove the name of the petitioners from the list of disqualified directors. The requisite notice in this regard be posted on the website and orders to this effect be communicated to the petitioner within a period of two weeks from today.

8. This writ petition is allowed in the above terms.

Dasti.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

MARCH 15, 2018/kr