

\$~25(*management dispute matter*)

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

+ W.P.(C) 10298/2017 and CM No.42013/2017

% Date of decision : 23rd March, 2018

RAJAN GOEL

..... Petitioner

Through : Mr. Siddharth Sharma and Ms.
Charu Tyagi, Advs.

versus

UNION OF INDIA AND ANR.

... Respondents

Through : Ms. Maninder Acharya, ASG
with Mr. Akshay Makhija,
CGSC along with Ms. Seerat
Deep Singh, Adv. for UOI.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. This writ petition has been filed by the petitioner who was a Director in M/s Royal Hindustan Ltd., a company incorporated and registered under the provisions of the Companies Act.
2. Apart from this company, the petitioner is stated to be a Director in 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 petitioner as Director in the company for the reason that there was default in submitting returns with regard to the affairs of the said company which was 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. The writ petitioner has stated that on account of differences and disputes with the other Directors, the company had run into difficulty and statutory compliances in the nature of filing of returns with the Registrar of Companies could not be effected. The proceedings between the petitioner and other directors in this regard are stated to be pending before the Original Side as well as criminal court of this court.

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. Pursuant to the orders passed by this court, the DIN number of the petitioner stands activated.

7. We are today informed by Ms. Maninder Acharya, Id. ASG, on instructions from Mr. Akshay Makhija, Id. 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 Original Side and criminal court of this court.

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 the petitioner 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 petitioner's 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.

11. In view of the above, this writ petition is allowed in the above terms.

Dasti.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

MARCH 23, 2018

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