

\$~143

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

+ **W.P. (C) 10498/2017**

ASHISH RAMKISAN SARAF Petitioner
Through: Ms. Reena Choudhary with Mr.
Dhruv Dewan, Advocates.

versus

UNION OF INDIA AND ANR. Respondents
Through: Ms. Maninder Acharya, ASG with
Mr. Vikas Mahajan, CGSC with Mr. Shyam
Sundar Rai and Mr. Deepak Goyal,
Advocate.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER
22.03.2018

%

W.P. (C) 10498/2017, CM APPL.11350/2018

1. On 03.01.2018, I had issued notice in the writ petition. Opportunity was given to the respondents. I am informed that no counter affidavit has been filed by the official respondents in this matter.
2. Furthermore, on the same very date, the Court had stayed the operation of the impugned Notification to the extent it related to the petitioner. Learned counsel for the petitioner says that the captioned application has been filed for issuance of directions to the official respondents to extend the benefit of the Condonation of Delay Scheme, 2018 ("Scheme") to the

petitioner. Learned counsel for the petitioner says that the petitioner was director on the Board of Facor Energy India Ltd. ("FEIL"). Learned counsel for the petitioner says that since the requisite financial statements and returns were not filed by the aforementioned company, its name was struck off from the Register of Companies. Consequently, the name of the petitioner was put in the list of disqualified directors. Learned counsel says that the petitioner wishes to avail of the benefit of the Condonation of Delay Scheme, 2018 (Scheme)

3. Having regard to the aforesaid, the writ petition is disposed of with the following directions: -

- (i) The writ petitioner is given liberty to apply under the Scheme. Petitioner will file all relevant documents. Filing of the said documents will be without prejudice to the rights and contentions of both of the petitioner as well as the official respondents. The requisite filings can be made in hard copies.
- (ii) The petitioner will deposit a sum of Rs.30,000/- *qua* the company referred to above. This sum shall be deposited in the form of the FDR with the Registry of this Court. The FDR would be deposited on or before 24.4.2018.
- (iii) In addition thereto, the petitioner will also deposit additional sums as required in the Scheme.
- (iv) The petitioner will also file his calculations in arriving at the sums which he seeks to deposit with the Registry of this Court.

4. The petitioner will, abide by the judgment of the

Division Bench. To be noted, the issues which arise in the present petition are, presently, being deliberated upon by the Division Bench-I in a batch of writ petitions, the lead petition being W.P.(C) 9439/2017. Leave is, however, given to the petitioner as well as the official respondents to approach this Court in case any aspect of the matter is not covered by the judgment of the Division Bench.

5. Furthermore, the interim order dated 03.01.2018 will continue to operate till the judgment is rendered by the Division Bench-I. In case, the Division-I Bench were to take a view against the petitioner, the interim order passed by this Court will dissolve automatically.

5.1 Likewise, the direction issued to the official respondents to activate DIN and DSC of the petitioner, will also dissolve in case the judgment of the Division Bench is adverse to the interest of the petitioner.

6. The date fixed earlier, i.e., 4.4.2018 stands cancelled.

7. *Dasti* under the signatures of Court Master.

RAJIV SHAKDHER, J

MARCH 22, 2018

/vikas/