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

+ **W.P.(C) 386/2018**

MR. BHIM YADAV

..... Petitioner

Through: Mr Rishi Sood with Mr Ashish Singh,
Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Vijay Joshi, Advocate for R-1 &
2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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16.01.2018

CM No. 1632/2018

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 386/2018 and CM No. 1631/2018

3. Issue notice.
4. The learned counsel appearing for the respondents accepts notice.
5. The petitioner has filed the present petition, *inter alia*, impugning a list of disqualified directors to the extent that it includes the petitioner's name.
6. The petitioner has been disqualified from acting as a director in any company on account of his failure to file the necessary returns in respect of four companies (respondent nos. 3 to 6). The names of the said companies have also been removed from the Register maintained by the Registrar of

Companies (hereafter 'ROC').

7. The learned counsel for the petitioner states that the petitioner has already moved to National Company Law Tribunal (hereafter 'NCLT') for revival of the said companies. He further states that on account of the petitioner's being disqualified, he is now disabled from filing returns in respect of other companies - that is, Falcon Realty Services Pvt. Ltd. and Challenger Global Medicity Private Limited - in which he is a director.

8. The respondents have introduced a Scheme - Condonation of Delay Scheme -2018 (hereafter 'CODS - 2018') - to enable the delinquent directors to file the statutory returns and to compound the lapses. However, the petitioner has been disabled from availing of the said Scheme as the names of respondent nos. 3 to 6 have been struck off from the Register by the ROC.

9. In view of the above, this Court considers it apposite to request NCLT to dispose of the petitions filed under Section 252 of the Companies Act, 2013 as expeditiously as possible as the CODS - 2018 is only available till 31.03.2018. It is further clarified that in the event NCLT is unable to dispose of the appeals within the time as requested for the reasons that are not attributable to the petitioner, the respondents shall ensure that the benefit of CODS - 2018 is extended in order for the petitioner to avail of the same. In other words, the petitioner would not be deprived of the opportunity to avail of the CODS-2018 only on account of the pendency of the appeals before NCLT.

10. The petitioner would be entitled to avail the CODS - 2018 provided that he is successful and having the names of respondent nos.3 to 6 being

restored on the Register.

11. In view of the above, the impugned list to the extent it includes the name of the petitioner is stayed till 31.03.2018 or till such time NCLT decides the petitions in relation to respondent nos. 3 to 6.

12. The petition and the application are disposed of.

JANUARY 16, 2018
RK

VIBHU BAKHRU, J