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

+ **W.P.(C) 11269/2017**

SHIV RAMAN DUGAL AND ANR.

..... Petitioners

Through: Mr Saurabh Munjal and Mr
Shashank, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Dev P. Bhardwaj, CGSC for UOI
with Ms Akanksha Mishra, Advocate
for R-1 & R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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30.08.2018

CM No. 34108/2018

1. The petitioners have filed the present application, *inter alia*, seeking modification of the order dated 20.03.2018, whereby the petitioners were permitted to avail of the Condonation of Delay Scheme, 2018 (hereafter 'CODS') even in respect of companies, which were struck off. The petitioners were further permitted to seek voluntary dissolution of respondent no.4 and 5 companies even though the said companies have been struck off from the Register of Companies.

2. The petitioners now state that the said companies (respondent nos.4 and 5) have certain liabilities and, therefore, are required to be revived. In this context, the petitioners pray that liberty be granted to the petitioners to approach the National Company Law Tribunal by filing an appeal under

Section 252 of the Companies Act, 2013 against the decision to removing the names of those companies from the Register of Companies.

3. It is noted that the order dated 20.03.2018 was passed in the context of enabling the petitioners to avail of the benefit of the CODS. The said Scheme is now over. Since the petitioners have not taken steps as required in respect of respondent nos.4 and 5 companies, the said order cannot be modified to extend the benefits of the CODS to the petitioners. In this regard, learned counsel appearing for the petitioners also states that the petitioners are no longer seeking to avail of any such benefit; they are merely seeking modification of the order to a limited extent inasmuch as it records that respondent nos.4 and 5 companies shall be voluntarily dissolved.

4. In this regard, it is clarified that none of the orders passed by this Court will preclude the petitioners from filing an appeal under Section 252 of the Companies Act, 2013 for challenging the order striking off the names of respondent nos.4 and 5 companies from the Register of Companies.

5. The application is disposed of with the aforesaid clarification.

VIBHU BAKHRU, J

AUGUST 30, 2018

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