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

+ W.P.(C) 11727/2017 & C.M. APPL. No.47548/2017

LAVLEEN MOHAN SINGH Petitioner

Through: Mr. Naman Joshi, Advocate.

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr. Arun Bhardwaj, Advocate for
Respondent Nos.1 & 2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **29.01.2018**

1. The main grievance of the petitioner which is articulated in the present petition is that he is disqualified by respondent nos.1 and 2 without following the due process of law. It is not in dispute that the petitioner, *inter alia*, was a Director on respondent nos.3 and 4 companies, which have been struck off from the Register of Companies by respondent nos.1 and 2 for failure to file requisite returns.

2. Consequent thereto the petitioner's name was added in the list of disqualified Directors for the financial year 2012-14 by respondent nos.1 and 2 as his case fell within the ambit of provisions of Section 164(2)(a) of the Companies Act, 2013, upon failure of respondent nos.3 and 4, in filing, their annual returns.

3. Learned counsel for the petitioner says that apart from respondent nos.3 & 4, the petitioner is a Director in various other companies. The

details of which are given in Annexure P-4.

3.1 It is, therefore, the submission of learned counsel for the petitioner that this order impacts the petitioner as the disqualification will extend even to those companies which are still functioning in accordance with the extant provisions of law.

4. Furthermore, learned counsel for the petitioner says that the issue raised in the present petition is covered by the judgment of Single Judge of this Court, passed on 21.12.2017 in W.P.(C) No.10901/2017, titled: *Pradeep Jain vs. Union of India*, and the judgment of Division Bench dated 8.1.2018, passed in W.P.(C) No.110/2018, titled: *Lalit Tanwar & Anr. vs. Union of India & Anr.*

5. Even though opportunity was given to the official respondents i.e. respondent nos.1 and 2, no counter affidavit has been filed by the said respondents.

6. Mr. Bhardwaj, who appears on behalf of official respondent nos.1 and 2 says that the issue is covered by the aforementioned judgments and this petition can be disposed of in terms of the ratio and directions contained in the said judgments.

7. Accordingly, the writ petition is disposed of with the direction to respondents to act as per the directives contained in the aforesaid judgments, which will be applicable *mutatis mutandis* to the petitioners herein.

8. The writ petition stands disposed of in the aforesaid terms.

RAJIV SHAKDHER, J

JANUARY 29, 2018

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