

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.9717 of 2019

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, for the following relief:

“....to issue an appropriate writ or order or direction more particularly a writ in the nature of Writ of Mandamus declaring the deemed disqualification of the Petitioner as Director for the block years 2019-2023 under Sec.164(2)(a) of the Companies Act, 2013 as arbitrary and in violation of the principles of natural justice and Article 14, Article 19(1)(g) and Article 21 of the Constitution of India and consequently direct the 2nd Respondent not to deactivate the DIN of Petitioner and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

Sri A. Sudhershnan Reddy, learned Senior Counsel, appearing for the petitioner submits that the annual returns could not be filed as the 4th respondent has not nominated any Director and the Government not appointed any Chairman, as such, the petitioner cannot be faulted for non-filing of the documents and he cannot be disqualified by virtue of Section 164 of the Companies Act, 2013.

On the other hand, Sri K.Lakshman, learned Assistant Solicitor General, appearing for the respondents produced written instructions stating that as on today the DIN of the petitioner is not deactivated and they will follow due process of law before disqualifying the petitioner.

Recording the above said submission of the learned Assistant Solicitor General, the writ petition is disposed of.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed. No order as to costs.

A. RAJASHEKER REDDY, J

17th July 2019

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