

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 10747 of 2019

ORDER:

This Writ Petition is filed for the following relief:

“...a issue a writ of certiorari or any other appropriate writ calling for the record and proceedings relating to the issuance of the (i) impugned undated notice titled “First List of Disqualified Directors u/s 164(2)(a) for the block years 2013-14, 2014-15 and 2015-16 under ROC, Hyderabad; (ii) impugned notice dated September 19, 2017 titled “Second List of Disqualified Directors u/s 164(2)(a) for the block years 2012-13, 2013-14 and 2014-15 under ROC, Hyderabad and consequently quash the (i) impugned undated notice titled “First List of Disqualified Directors u/s 164(2)(a) for the block years 2013-14 2014-15 and 2015-16 under ROC, Hyderabad (ii) impugned notice dated September 19, 2017 titled “Second List of Disqualified Directors u/s 164(2)(a) for the block years 2012-13, 2013-14 and 2014-15 under ROC, Hyderabad insofar as it relates to this Petitioner

(b) issue a writ of mandamus or any other appropriate writ directing the Respondents to forthwith withdraw/cancel the (i) impugned undated notice titled “First List of Disqualified Directors u/s 164(2)(a) for the block years 2013-14, 2014-15 and 2015-16 under ROC, Hyderabad; (ii) the impugned notice dated September 19, 2017 titled “Second List of Disqualified Directors u/s 164(2)(a) for the block years 2012-13, 2013-14 and 2014-15 under ROC, Hyderabad insofar as it relates to this Petitioner and such further and other reliefs as this Honorable Court may deem fit in the facts and circumstances of the case ... ”

When the matter is taken up, it is submitted by the learned counsel for the petitioner that the issue raised in the present Writ Petition is squarely covered by the Common Order dated 18.07.2019 passed by this Court in W.P.No.5422 of 2018 and batch.

Learned Standing Counsel for the Registrar of Companies (For the State of Telangana) appearing for respondent No.2 does not dispute the aforesaid submission.

Operative portion of the Common Order dated 18.07.2019 in W.P.No.5422 of 2018 and batch, reads as under:

“For the foregoing reasons, the impugned orders in the writ petitions to the extent of disqualifying the petitioners under Section 164(2)(a) of the Act and deactivation of their DINs, are set aside, and the 2nd respondent is directed to activate the DINs of the petitioners, enabling them to function as Directors other than in strike off companies.

It is made clear that this order will not preclude the 2nd respondent from taking appropriate action in accordance with law for violations as envisaged under Section 164(2) of the Act, giving the said provision prospective effect from 01.04.2014 and for necessary action against DIN in case of violations of Rule 11 of the Rules.

It is also made clear that if the petitioners are aggrieved by the action of the respondents in striking off their companies under Section 248 of the Act, they are at liberty to avail alternative remedy under Section 252 of the Act.

All the writ petitions are accordingly allowed to the extent indicated above.”

Accordingly, in terms of the Common Order dated 18.07.2019 in W.P.No.5422 of 2018 and batch, and for the reasons recorded therein, this Writ Petition is also allowed. No costs. Miscellaneous Petitions, if any pending, shall stand disposed of.

CHALLA KODANDA RAM, J

29th November, 2019

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