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

+ **W.P.(C) 417/2019 & CM No. 1919/2019**

NAVNEET GARG

..... Petitioner

Through: Mr Siddharth Sharma and Ms Shruti
Arora, Advocates.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr Gaurav Rohilla, Senior Govt.
Counsel.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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29.01.2019

1. The petitioner has filed the present petition impugning a list of disqualified directors to the extent that it includes his name.
2. The petitioner was a director of a company named B. R. Ferro Steels Private Limited, wherein the petitioner held 33% shares. It is stated that there is a family dispute between the petitioner and other shareholders who own the majority stake in that company. The petitioner and other family members also have disputes regarding other companies (Radiant Cement Co. Pvt. Ltd. and Xilon Trading Private Limited), and proceedings in that regard are pending before the National Company Law Tribunal (NCLT). It is stated that in view of the *inter se* disputes and the pending litigation, none of the parties have been able to file the returns relating to M/s B.R. Ferro Steels Private Limited.

3. It is the petitioner's case that the default in filing the returns is beyond the control of the petitioner and is for reasons not attributable to the petitioner.
4. It is also pointed out that majority shareholders of B.R. Ferro Steels Private Limited had approached this Court by way of a writ petition (being ***W.P. (C) No. 9609 of 2017*** titled ***Mr. Parveen Kumar and Anr. Vs. Union of India***) impugning their disqualification. The said petition was disposed of by an order dated 11.01.2018 permitting the petitioners to make a representation to the Registrar of Companies (ROC) and further directing the ROC to consider the same and pass a speaking order.
5. In conformity with the aforesaid order, the list of directors, to the extent it includes the name of the petitioner, is set aside.
6. It is clarified that this would be subject to any further orders that may be passed by the ROC. It is also clarified that this order would not come in the way of the ROC taking an informed decision.
7. In the event, the petitioner fails to make a representation within a period of two weeks from today, the directions stated herein shall cease to operate and the petitioner's name shall be reinstated in the list of disqualified directors.
8. The petition is disposed of in the aforesaid terms. The pending application also stands disposed of.
9. Order *dasti*.

VIBHU BAKHRU, J

JANUARY 29, 2019
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