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

+ W.P.(C) 1142/2019 & CM No. 5183/2019

SANJAY VATSA

..... Petitioner

Through: Mr Madhusudan Sharma, Advocate.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr Chiranjeev Kumar and Mr
Mukesh Sachdeva, Advocates for R-1
and R-2/UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **04.02.2019**

1. Issue notice. Learned counsel for the respondents accepts notice.
2. The petitioner has filed the present petition, *inter alia*, impugning the list of disqualified directors to the extent it includes the petitioner's name. It is stated that the petitioner has been disqualified to act as a Director by virtue of Section 164(2)(a) of the Companies Act, 2013. The said punitive measure has been imposed on account of the defaults committed in relation to Ark Education Ventures Private Limited (hereafter 'the company').
3. The petitioner states that the company was incorporated on 21.02.2011 and the petitioner was appointed as an Additional Director on the Board of the said company on 26.04.2011. It is the petitioner's case that he continued to act as a Non-Executive Director of the company till 10.09.2011. He states that he had resigned from the company on 05.09.2011,

which was accepted on 10.09.2011.

4. The petitioner has also produced the copy of the letter of resignation, which was accepted by one Shri Ajay Mehra, who is stated to be the Director of the company at the material time.

5. In addition, learned counsel appearing for the petitioner submits that the petitioner was never appointed as a Director. The petitioner served only as an Additional Director of the company and his appointment was not confirmed at the Annual General Meeting (AGM) of the company as required. Accordingly, the petitioner had in any event ceased to be a Director on the expiry of the period for holding the AGM for the year ended 31.12.2011.

6. It is apparent that respondent no.2 (Registrar of Companies – ROC) had not considered the aforesaid, while issuing the list of Disqualified Directors. In view of the above, the petition is allowed and the impugned list of Disqualified Directors to the extent it includes the petitioner's name is set aside. Consequently, the petitioner's DIN and DSC are directed to be reactivated/restored. It is, however, clarified that if the Registrar of Companies (ROC) is still of the view, on the basis of the relevant material, that the petitioner is disqualified to act as a Director, the ROC would not be precluded in issuing a fresh notice and passing an appropriate order after affording the petitioner an opportunity to be heard.

7. The pending application is also disposed of.

VIBHU BAKHRU, J

FEBRUARY 04, 2019/MK