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

+ W.P.(C) 1282/2019 & CM No. 5798/2019

MR. SANDEEP SONI Petitioner

Through: Mr Mohna K. Kukreja, Advocate.

versus

UNION OF INDIA AND ANR. Respondents

Through: Mr Prakash Kumar, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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06.02.2019

1. Issue notice. Learned counsel appearing for the respondents accepts notice.
2. The petitioner has filed the present petition, *inter alia*, impugning the lists of disqualified Directors (two in number – one relating to financial years 2012-2014 and other relating to financial years 2014-2016) to the extent it includes the petitioner's name. The petitioner states that he has been disqualified to act as a Director pursuant to the default committed by Blue Planet Knowledge Services Private Limited. The name of the said company has also been struck off from the Register of Companies maintained by the Registrar of Companies (ROC).
3. The petitioner claims that he was appointed as a Professional Non-Executive Director in the aforesaid company on 20.08.2009. Subsequently, he resigned as a Director with effect from 01.05.2010 and the resignation letter of the same date was also duly received by the said company.

4. The petitioner claims that for the period May, 2010 to September, 2014, the petitioner sent repeated requests to the said company to file the necessary forms showing the petitioner's resignation from the Board of Directors. However, the said company failed to do so. The petitioner claims that in the aforesaid circumstances, he filed a Form DIR-11 vide SRN No.S31154370 on 10.09.2014 and paid the requisite fee.

5. The petitioner has also produced copies of the resignation letter dated 01.05.2010 and Form DIR-11 filed by the petitioner.

6. In view of the aforesaid averments, the inclusion of the petitioner's name in the lists of disqualified directors cannot be sustained. The petition is, accordingly, allowed and the impugned lists of disqualified directors, to the extent they include the name of the petitioner, are set aside. The ROC is also directed to revalidate the petitioner's DIN and DSC.

7. In the event, ROC is of the view that there is material to establish that the petitioner is disqualified to act as a director, this order will not preclude the ROC from issuing a show cause notice and passing an appropriate order after affording the petitioner an opportunity to be heard.

8. The petition and the pending application are disposed of.

9. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

FEBRUARY 06, 2019
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