

\$~44

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

+ **W.P.(C) 1348/2019**

MANOJ BHADOLA AND ANR.

..... Petitioners

Through: Mr Devesh Kumar Malan,
Advocate.

Versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Gigi C. George, Advocate for
R-1 and R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **08.02.2019**

CM No.6121/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 1348/2019 & CM No.6120/2019

2. The petitioners have filed the present petition, *inter alia*, impugning the list of disqualified directors to the extent it includes the names of the petitioners. The petitioners were disqualified from acting as Directors on account of the defaults committed in respect of respondent no.2 (M/s Worldwide Tour Service Private Limited – hereafter ‘the company’). The name of the company was also removed from the Register of Companies as the said company had failed to file statutory returns for three consecutive financial years (FY 2014-15, 2015-16 and

2016-17).

3. Aggrieved by the order passed under Section 248 of the Companies Act, 2013, the said company had preferred an appeal before the National Company Law Tribunal (NCLT) under Section 252 of the said Act. By an order dated 30.01.2019, the NCLT has allowed the appeal subject to certain conditions, including deposit of ₹25,000/- as costs with the Prime Minister's Relief Fund and has directed that the name of the company be restored on the Register of Companies. The petitioners submit that in terms of the said order, the said company is now required to file the necessary forms, which cannot be done as the DIN and DSC of the petitioners is suspended.

4. Admittedly, the order passed by the NCLT would not inure benefits to the petitioners with regard to their disqualification as Directors. However, it appears that the said company would also be unable to comply with the order passed by NCLT, if the DSC/DIN of the petitioners is not restored. This is considering that now all forms are required to be filed online.

5. The learned counsel appearing for the petitioners submits that the petitioners would be satisfied if their DSC and DIN is restored temporarily in order to enable them to comply with the directions of the NCLT to file the requisite returns.

6. In the circumstances, the ROC is directed to restore the DSC/DIN of the petitioners for a limited period of sixty days in order for them to comply with the order passed by the NCLT. This is subject to the petitioner furnishing a proof of complying with the directions to deposit

of ₹25,000/- with the Prime Minister's Relief Fund, as directed by the NCLT.

7. The petition is disposed of in the aforesaid terms. The pending application stands disposed of.

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

FEBRUARY 08, 2019
MK

VIBHU BAKHRU, J