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

+ **W.P.(C) 1540/2019 & CM APPL. 7117/2019**

RAKESH SHARMA

..... Petitioner

Through Ms Rema Khorana with Mr Kartik Rathi
and Ms Akriti Gautam, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through Ms Shiva Lakshmi, Advocate for ROC.
Mr Prakash Kumar, Advocate for R2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **07.05.2019**

1. The petitioner has filed the present petition impugning the list of disqualified directors to the extent it includes his name. The petitioner has been disqualified on account of defaults committed by Essaar Comfort Wears Private Limited by not filing the requisite returns. The petitioner claims that the said company had defaulted and steps were initiated for voluntarily striking off the name of the said company from the Register of Companies. The petitioner claims that in this regard, the petitioner had filed form STK-2 under Section 248 of the Companies Act, 2013.

2. It is also stated that the petitioner was in correspondence with the ROC and was required to undertake further compliance, however, the same could not be done as in the meantime, the petitioner's DIN and DSC were cancelled.

3. The learned counsel appearing for the respondents states that the present petition be remanded to ROC for considering the facts of this case.
4. In view of the above, the petition is allowed. The impugned list of disqualified directors to the extent it includes the petitioner's name, is set aside. The ROC is directed to take the consequential steps for restoring the DIN and DSC of the petitioner.
5. It is clarified that the ROC is not precluded from passing a fresh order disqualifying the petitioner after considering the facts of the case and affording the petitioner an opportunity to be heard.
6. The pending application is disposed of.

VIBHU BAKHRU, J

MAY 07, 2019

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