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

+ W.P.(C) 1815/2019 & CM No. 8498/2019

SHANKAR LAL AND ORS.

..... Petitioners

Through: Mr Vaibhav Suri, Advocate.

versus

REGISTRAR OF COMPANIES, DELHI AND
ANR.

..... Respondents

Through: Mr N. K. Srivastava, Sr. Panel
Counsel for respondent/ROC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **22.02.2019**

1. Issue notice. Learned counsel appearing for the respondents accepts notice.
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.
3. The petitioners have been disqualified to act as Directors under the provisions of Section 164(2)(a) of the Companies Act, 2013, on account of defaults committed in respect of M/s Ultrabuild Constructions Pvt. Limited. The petitioners state that the returns in respect of the said company could not be filed, as no Annual General Meeting or Extraordinary General Meeting has been held, as the same was interdicted by an order dated 05.07.2012, passed by the Company Law Board in CP No.83(ND)/2012.

4. Plainly, if the petitioners have been interdicted from holding an Annual General Meeting, it would not be apposite to visit them with any punitive action on that account.
5. In view of the above, the present petition is allowed and the impugned list of disqualified directors, to the extent it includes the names of the petitioners, is set aside. The respondents are also directed to reinstate/restore the DINs and DSCs of the petitioners.
6. However, it is clarified that if the respondents are still of the view that the petitioners are disqualified, it would be open for the respondents to issue appropriate show cause notice and take an informed decision, uninfluenced by this order. Needless to state that the petitioners would also be given a fair opportunity to be heard.
7. The petition is disposed of with the aforesaid observations. The pending application stands disposed of.
8. Order *dasti* under signatures of the Court Master.

FEBRUARY 22, 2019
MK

VIBHU BAKHRU, J