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

+ **W.P.(C) 2945/2019 & CM APPL. 13643/2019**

MR. JITENDER KUMAR AWANA & ORS. Petitioners

Through Mr Siddharth Tewari, Advocate.

versus

REGISTRAR OF COMPANIES & ORS. Respondents

Through Ms Shiva Lakshmi, advocate for ROC.
Mr Sushil Kumar Pandey, Senior Panel Counsel.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **07.05.2019**

1. The petitioners have filed the present petition, *inter alia*, impugning the list of disqualified directors, to the extent it includes their names. It is the petitioners' case that the petitioners have been disqualified for being appointed and reappointed, under Section 164(2)(a) of the Companies Act, 2013, on account of defaults stated to have been committed in relation to Logix Infosoft Pvt. Ltd. A plain reading of the impugned list indicates that the petitioners have been disqualified for the financial year 2014-15, 2015-16 and 2016-17. The petitioners claim that there has been no default in filing the returns in relation to the said company in respect of the financial year 2016-17, and the balance sheet on 31.03.2017 has also been filed.
2. Notice in this petition was issued on 26.03.2019, however, no response has been filed, as yet. The counter affidavit filed on behalf of the respondent does not deal with the aforesaid case as set up by the petitioner.

3. In view of the above, the learned counsel appearing for the respondent submits that the matter may be remanded to the ROC to consider the petitioners' case, afresh.
4. In view of the above, the petition is allowed. The impugned list of disqualified directors to the extent it includes the names of the petitioners is set aside. It is clarified that if the ROC is of the view that the petitioners are in default, he is not precluded from passing necessary orders after affording the petitioners an opportunity of being heard. The pending application is disposed of.
5. Order *dasti* under the signature of Court Master.

VIBHU BAKHRU, J

MAY 07, 2019
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