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

+ W.P.(C) 4127/2019

DEUGRO FREIGHT FORWARDING (INDIA)

PRIVATE LIMITED & ANR

..... Petitioners

Through: Mr Anshim Goswami, Advocate.

versus

MINISTRY OF CORPORATION AFFAIRS GOVERNMENT
OF INDIA

..... Respondent

Through: Mr Ajay Digpaul, CGSC with Ms
Arti Bansal, Advocate for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **22.04.2019**

CM No.18609/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 4127/2019 & CM No.18610/2018

2. Issue notice. The learned counsel appearing for the respondents accept notice.

3. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the respondent to re-activate the Director Identification Numbers (DIN) bearing no.01295349 and 07796280, for the purpose of allowing the concerned Directors to file the necessary forms for their resignations.

4. The learned counsel appearing for the petitioner states that two of the Directors of the petitioner companies (Mr Thomas Carl Press and Mr Felix

Schneider) are German Nationals, and are no longer desirous of continuing as Directors of the petitioner companies.

5. In order for the said two Directors to record their resignations, they are required to furnish necessary forms with ROC. The petitioner companies are also required to furnish the requisite returns. The petitioners' predicament is that the said Directors do not have their Digital Signature Certificate (DSC), which is necessary for them to upload the necessary forms for the reactivation of their DIN.

6. The petitioners desire that the said Directors be absolved from the normal procedure as they are not "comfortable" with it and, therefore, have filed the present petition.

7. It is contended on behalf of the petitioners that since the foreign Directors had accepted their appointment as Directors without DSCs, they ought not to be compelled to accept the same.

8. The aforesaid contention is unmerited. The respondents have revised the procedure for furnishing of the requisite forms, and it is necessary for the petitioner or their Directors to follow the same. The procedure for obtaining a DSC is not elaborate and it is available to any bonafide applicant, subject to the applicant furnishing the necessary details.

9. The learned counsel appearing for the petitioners states that the process for obtaining a DSC and a subsequent DIN would require some time and in the meanwhile, the petitioners apprehend that coercive action would be taken against them and their other compliant Directors.

10. In view of the aforesaid, it is directed that if the concerned Directors apply for the DSC along with all requisite documents within a period of two weeks from today, no coercive steps would be taken against the petitioner or

their other compliant Directors for a period of two weeks after the DSCs have been furnished to the said Directors (Mr Thomas Carl Press and Mr Felix Schneider).

11. The petition is disposed of in the above terms. The pending application stands disposed of.

APRIL 22, 2019
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VIBHU BAKHRU, J