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

+ **W.P.(C) 5432/2019**

MR. SANJAY GUPTA (DIRECTOR) Petitioner

Through: Mr Naresh Kumar Goel and Mr
Jaideep Gandhi, Advocates.

Versus

UNION OF INDIA AND ANR. Respondents

Through: Mr Ravi Prakash, CGSC with Mr
Farman Ali and Mr Aman Malik,
Advocates for R-1 and R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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17.05.2019

CM No.23841/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 5432/2019 & CM No.23842/2019

2. The learned counsel appearing for the petitioner submits that the petitioner would be satisfied if the DIN/DSC of the petitioner is restored in order to enable the petitioner to file the requisite returns before the ROC in respect of M/s Sunray Publishers Pvt. Ltd.

3. It is stated that the petitioner and his wife are Directors of the said company (M/s Sunray Publishers Pvt. Ltd.). There were certain defaults in relation to the said company, as the requisite returns for the financial years commencing after 31.03.2014 were not filed. In view of the above, the name of M/s Sunray Publishers Pvt. Ltd. was struck off from the Register of Companies under Section 248(1) of the Companies Act, 2013. Aggrieved

by the same, the said company filed an appeal (Appeal No.1107/252(3)/ND/2018) under Section 252 of the Companies Act, 2013, before the National Company Law Tribunal (NCLT). The same was allowed by an order dated 12.03.2019, and the said company was directed to be restored on the Register of Companies. This was subject to the payment of ₹25,000/- as costs to the Prime Minister's Relief Fund and the said company filing the requisite returns.

4. It appears that there are some disputes between the petitioner and his wife (Mrs Rekha Gupta) and it is stated that she has declined to join the petitioner in conducting the affairs of the company.

5. The learned counsel appearing for the petitioner states that the costs as imposed have already been deposited with the Prime Minister's Relief Fund.

6. Plainly, orders passed by the NCLT are required to be complied with. In view of the above, it would be apposite that the petitioner's DSC/DIN be restored for a temporary period of sixty days in order for the petitioner to comply with the requirements and file the requisite returns with respect to M/s Sunray Publishers Pvt. Ltd.

7. It is, accordingly, directed that the petitioner's status as a Director is restored for a temporary period of sixty days. The petitioner's DSC/DIN shall be restored for a period of sixty days. Within the said period, the petitioner would be entitled to take all steps necessary for conducting the affairs of the company and filing the requisite returns.

8. It is clarified that the restoration would only be for a limited period and for the limited purpose. The petition is disposed of in the aforesaid terms. The pending application also stands disposed of.

VIBHU BAKHRU, J

MAY 17, 2019
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