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

+ W.P.(C) 5630/2019 and CM APPL. 24695/2019

SUNIL NARWAL

..... Petitioner

Through Mr.Nikhil Kumar Verma and
Ms.Kamna Singh, Advocates.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through Mr. P.S. Singh and Ms. Annu Singh,
Advocates for R-1 and R-2.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE BRIJESH SETHI

ORDER

% **28.05.2019**

CM APPL. 24696/2019 (*exemption*)

Allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 5630/2019 and CM APPL. 24695/2019

1. Issue notice to the respondents as to why rule *nisi* be not issued.
2. Mr.P.S.Singh, Advocate accepts notice on behalf of the respondents.
3. The petitioner was the Director of Itransit Services Private Limited and had submitted his resignation to the Board of Directors w.e.f. 18.08.2012. However, the Board of Directors failed to take requisite steps for informing the Registrar of Companies. The respondents are not in a position to deny this position.
4. The writ petitioners *inter alia* seeks quashing of the said notices dated 06th September, 2017 and 12th September, 2017 issued by the Ministry of Corporate Affairs at New Delhi by way of which he stood disqualified from

performing as a Director in any company.

5. In this background, as the petitioner had ceased to be the Director of the Company, as stated by him, w.e.f. 18.08.2012 and he could not have been penalized for the failure of the company to effect statutory compliances.

6. In view of the above, it is directed as follows:

- (i) The respondents shall forthwith take steps for removal of the petitioner's name from the list of disqualified Directors and to activate his DIN.
- (ii) The orders to this effect would be posted on the website and shall also be communicated to the petitioner within two weeks from today.
- (iii) It is clarified that this would not preclude the Registrar of Companies from passing a fresh order disqualifying the petitioner, if any material is found or produced before the ROC to indicate that the petitioner's statement that the petitioner had ceased to act as the Director of the Company, is false, or any material is produced which establishes that the petitioner had acted as the Director of the Company in any manner contrary to what is represented to this Court.

7. This writ petition is allowed in above terms.

CHIEF JUSTICE, J

BRIJESH SETHI, J

MAY 28, 2019/savita