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

+ W.P.(C) 6518/2019 & CM Nos. 27546/2019 & 27547/2019

MUKESH AGGARWAL

..... Petitioner

Through: Mr Sushant Kumar and Ms Shikha
Singh, Advocates.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr Apoorv P. Tripathi, Advocate for
Ms Neelima Tripathi, Advocate for
R-1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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31.05.2019

1. Issue notice. The learned counsel appearing for the respondents accepts notice.
2. The petitioner has filed the present petition, *inter alia*, impugning the list of disqualified directors under Section 164(2)(a) of the Companies Act, 2013 to the extent it includes the name of the petitioner. The petitioner contends that he has been disqualified to act as a director on account of non-filing requisite returns in relation to the company 'Wave Buildcon Private Limited'. The petitioner claims that the said returns could not be filed as there were *inter se* disputes between the shareholders of the company. In this regard, a petition was filed before the National Company Law Tribunal (Mukesh Aggarwal v. Wave Buildcon Private Limited & Ors.: Company Petition No.41(ND)/2015). In the said proceedings, NCLT had passed an

order dated 28.05.2015 restraining the parties from holding any meetings. This court is informed that the said interim order is continuing, as of date.

3. Since, it is not disputed that the meetings of the said company could not be held by virtue of the orders passed by the NCLT, the petitioner cannot be disqualified from acting as a Director for not filing the requisite returns.

4. In view of the above, the impugned list of disqualified directors to the extent it includes the petitioner's name is set aside. The respondents are directed to forthwith restore the Director Identification Number (DIN) and Digital Signature Certificate (DSC) of the petitioner.

5. The petition is allowed in the aforesaid terms. The pending applications also stand disposed of.

6. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

MAY 31, 2019
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