

\$~39

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

+ **W.P.(C) 7705/2019**

ALOK GUPTA

..... Petitioner

Through: Mr Harshil Agarwal, Advocate.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr Sanjay Kumar with Ms Kalpna
Devi, Advocate for R-1 and R-2/UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

19.07.2019

CM No. 32017/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 7705/2019 & CM No. 32016/2019

2. The petitioner has filed the present petition, *inter alia*, praying as
under:-

“a) issue a writ, order or direction in the nature of writ of Mandamus or any other appropriate writ, order or direction directing the Respondents to remove name of the petitioner from the records of the Respondent No.2 wherein the petitioner is shown as director of the Company;

b) direct the Respondent no. 2 to initiate appropriate proceedings against the Company and its directors on account

of its inaction, which has also played a positive role in prejudicing the Petitioner.”

3. It is the petitioner’s case that he had resigned from the company named ‘DelSolar India EPC Company Private Limited’ on 31.05.2013. The petitioner states that he was appointed as a Director of the said company on 24.05.2011 and functioned as such till 30.05.2013. It is the petitioner’s case that even though his resignation was accepted, the company did not file the requisite form with respondent no.2 (ROC) to indicate that the petitioner was no longer a Director of the said company.

4. It is stated that the Directors of the company also did not file the necessary returns with the ROC. Resultantly, the name of the said company was struck off from the Register of Companies and the name of the petitioner was included in the list of disqualified directors published by respondent no.1. Aggrieved by the petitioner’s name being included in the list of disqualified directors, the petitioner filed a writ petition [W.P.(C) 5817/2018 titled as ‘Alok Gupta v. Union of India’]. The said petition was allowed by an order dated 11.12.2018 and directions were issued to the ROC to restore the petitioner’s Director’s Identification Number (DIN) and Digital Signature Certificate (DSC). Concededly, the said order has been complied with and the petitioner’s DIN and DSC have been restored.

5. The petitioner states that notwithstanding the above, his name continues to be reflected in the master data as a Director of the said company. Aggrieved by the same, the petitioner has filed the present petition.

6. The learned counsel appearing for the respondents states that the ROC will examine the master data and take necessary action for removal of the

petitioner's name as a Director of the said company.

7. In view of the above statement, no further orders are required to be passed in this petition. The petition and the pending application are disposed of.

JULY 19, 2019
MK

VIBHU BAKHRU, J