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

+ **W.P.(C) 4666/2017**

VINOD SIROHI

..... Petitioner

Through Mr Mohit Chaudhary, Mr Kunal
Sachdeva, Mr Balwinder Singh Suri, Ms Srishti
Gupta, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through Mr Vikram Jetly, CGSC for R1 and R2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **26.02.2019**

1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the respondent nos. 1 and 2 to remove the petitioner's name from its record and websites indicating the petitioner to be a Director of respondent no.3 company.
2. It is the petitioner's case that he had resigned from respondent no.3 company on 31.08.2013. The petitioner had also filed the Form No. DIR-11 on 18.07.2014 indicating that his resignation to be effective from the said date. It is, thus, apparent from the above that the petitioner had resigned from respondent no.3 company and also communicated the same to respondent nos. 1 and 2.
3. In the circumstances, respondent nos. 1 and 2 are required to record the aforesaid information in their record and duly reflect that the petitioner

has resigned from respondent no.3 company with effect from 18.07.2014.

4. Mr Vikram Jetly, learned counsel appearing for the respondents submitted that there were inter se disputes between the Management of the respondent no.3 company, and it appears that the petitioner's resignation was not accepted. He also stated that the five out of six directors of respondent no.3 company have also resigned. He further pointed out that the by a letter dated 19.05.2016, the petitioner had acknowledged that he had certain documents of the company. According to Mr Jetly, this indicates that the petitioner continued to be in management of the company even after his resignation.

5. None of the aforesaid grounds are relevant, since there is no dispute that the petitioner had filed his Form No. DIR-11 on 18.07.2014 and, therefore, his resignation is required to be recorded in the records of respondent nos. 1 and 2. It is, however, necessary to clarify that this tendering registration would not necessarily absolve the petitioner from any of the liabilities incurred by the petitioner or for any of the actions of respondent no.3 company. Respondent nos. 1 and 2 are not precluded from proceeding against the petitioner in accordance with law. However, the petitioner's name cannot be reflected as a Director of respondent no.3 company, as there is no dispute that the petitioner has communicated the fact of his resignation from the said company to respondent nos. 1 and 2.

6. The petition is allowed in the aforesaid terms.

VIBHU BAKHRU, J

FEBRUARY 26, 2019/pkv