

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 2190 of 2020**

Rakesh Kumar Jain S/o Shri Beni Prasad Jain, Aged About 45 Years
R/o House No. 17, Ground Floor, Radha Mohan Complex, Baisthan,
District Raipur Chhattisgarh.

---- Petitioner**Versus**

1. Union Of India Through Secretary (Revenue), Ministry Of Corporate Affairs, Having Its Office At A-Wing, Shashtri Bhawan, Rajendra Prasad Road, New Delhi 110001.
2. Registrar Of Companies, Chhattisgarh Having Its Office At 1st Floor, Ashoka Pingley Bhawan, Municipal Corporation Nehru Chowk, Bilaspur Chhattisgarh 495001.

---- Respondents

For Petitioner	:	Mr. Atanu Ghosh, Advocate
For Respondents	:	Mr. Ramakant Mishra, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

28/09/2020

1. The challenge in the present writ petition is to the action on the part of the respondents in declaring the petitioner disqualified as a Director of the company namely Raipur Carbon Products Private Limited.
2. The petitioner a Director of the said company stands disqualified for the period 01.11.2019 to 31.10.2024. According to the counsel for the petitioner, the Central Government recently vide Annexure P/3 dated 30.03.2020 has introduced a scheme known as "the Companies Fresh Start Scheme, 2020" introduced by the Ministry of Corporate Affairs under the Government of India. The said scheme was introduced by the Central Government considering

the large number of representations received from various stakeholders for grant of one time opportunity enabling them to complete the necessary compliances required under the provisions of Companies Act; like filing of the necessary documents including filing of financial statement and annual return. Under the scheme, the respondents would be processing the application of each of the applicants, who approached the authorities under the said scheme of 2020 and subject to imposition of certain fees/charges/penalty and on depositing of the same the authorities would be permitting the concerned defaulters to resume their duties as a Director withdrawing the disqualification part.

3. The counsel for the petitioner submits that the petitioner herein also is willing and interested to approach the authorities concerned to avail the benefits so provided under the said scheme of 2020 and he therefore prays that the present writ petition may be disposed of at this juncture permitting the petitioner to approach the respondents for taking an appropriate decision in accordance with scheme of 2020 and permitting the petitioner to resume his duties as a Director of the aforesaid company at the earliest. The fact which needs to be verified is *“whether the petitioner would be entitled for the benefits under the new scheme of 2020 or not ?”*
4. Given the said submission by the counsel for the parties, the present writ petition stands disposed of directing the petitioner to approach the concerned Regional Director/Registrar of Companies as the case may be for redressal of his grievance.

Upon such application being made by the petitioner, the respondents shall take a decision in accordance with law taking into consideration particularly whether the scheme of 2020 would be applicable upon the petitioner or not, and pass an appropriate order at the earliest preferably within a period of 90 days from the date of receipt of the copy of this order. The petitioner also at the same time is expected to move an application within a period of two weeks from the date of receipt of the copy of this order.

5. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved