

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2202 of 2020

1. Navin Kumar Singh, S/o Late Shri Rambhorose Singh, Aged About 50 Years, R/o Plot No. 62, Street 5 A, Maitri Nagar Risali, Bhilai, District : Durg, Chhattisgarh
2. Smt. Anita Singh, W/o Shri Navin Kumar Singh, Aged About 45 Years R/o Plot No. 62, Street 5 A, Maitri Nagar Risali, Bhilai, District : Durg, Chhattisgarh

---- Petitioners

Versus

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

-----Respondents

For Petitioners	:	Mr. Atanu Ghosh, Advocate
For Respondents/U.O.I	:	Mr. Ramakant Mishra, Asst. S.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09.10.2020

1. The grievance of the petitioner in the present writ petition is to the inaction on the part of the respondents in declaring the petitioners disqualified as director of the company known as M/s Madhurisha Buildcon and Colonisers Private Limited.
2. According to the counsel for the petitioners, the petitioners were the directors of the said company and vide the inaction on the part of the respondents, they stand disqualified from the post of director w.e.f.

2016-2021. According to the counsel for the petitioners, the Central Government recently vide order dated 30.03.2020 has introduced a scheme known as "Companies Fresh Start Scheme 2020" introduced by the Ministry of Corporate Affairs under the Government of India.

3. That taking into consideration, large number of representations received by the Government of India from various stakeholders in-respect-of similar action of disqualification of the directors for non-compliance of certain statutory requirement under the Companies Act, the Government thought it proper to have a scheme introduced by which the defaults on the part of the directors and the companies can be rectified/cured, subject to their paying certain penalty/fees/charges in accordance with the scheme and also subject to their complying the necessary requirement under the Act, at the earliest like filing of the necessary documents including filing of Financial Statement and the submission of the Annual Return. The Union of India in the instant case have filed their reply and in the reply they have taken this stand that the petitioners either may challenge the action before the National Companies Law Tribunal.
4. The counsel for the respondents further submits that the action on the part of the respondents was purely on the admitted factual position of there being non-compliance of the statutory provisions as is required by the company and its directors.
5. At this juncture, the counsel for the petitioners submits that let the petitioners be permitted to approach the authorities to avail the benefit as provided under the scheme of 2020 and that the petitioners are willing and interested in getting the matter resolved, subject to the

terms and conditions that would be imposed in-accordance-with the scheme of 2020.

6. The counsel for the respondents, however, submits that the petitioners subject to they moving an appropriate application in-accordance-with the scheme, the same shall be considered in-accordance-with the said scheme, subject to verification of the facts.
7. Given the said submissions by the counsel for the parties, the present writ petition at this present juncture stands disposed off, directing the petitioners to approach the concerned Regional Director or Registrars of the company as the case may be for redressal of their grievance under the "Companies Fresh Starts Scheme 2020". Upon the petitioners submitting applications/documents in terms of the said scheme, the respondent authorities are expected to take a decision in-accordance-with the scheme of 2020 at the earliest, preferably within a period of ninety days from the date of receipt of copy of this Order.
8. At this juncture, the learned counsel for the petitioners submits that for the purpose of submitting their application for availing the benefit under the scheme of 2020, they would be required to use their Digital Signature Certificate (DSC) as also their Digital Identification Number (DIN), therefore, the authorities may permit the petitioners to use the same. It has been made to understand that unless the petitioners are permitted to use DSC and DIN, they would not be in a position for availing the benefit under the said scheme.
9. Given the said situation, the respondents are directed to permit the petitioners to use DSC and DIN only for the limited purpose of moving

their application for availing the benefit under the scheme of 2020. It is made clear that the said permission to operate DSC and DIN shall not be used for any other purpose except for taking benefit under the scheme of 2020 by the petitioners. The petitioners also are directed to move appropriate applications, if they so want before the concerned authorities within a period of two weeks from the date of receipt of copy of this Order.

10. With the aforesaid observation, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge