



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2020

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.16592 of 2020
and W.M.P.Nos.20581 and 20585 of 2020
(Heard Through VC)

Saroja Sankaran

.. Petitioner

Vs.

1. Union of India,
Represented by its Secretary,
Ministry of Corporate Affairs
Shastri Bhawan, Dr.Rajendra Prasad Road,
New Delhi - 110 001.

2. Registrar of Companies,
Tamil Nadu, Chennai,
Block No.6, B Wing 2nd Floor,
Shastri Bhawan, 26,
Haddows Road, Chennai 600 006

.. Respondents

* * *

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of certiorarified Mandamus calling for the records of the second respondent relating to the impugned order dated 17.12.2018, uploaded in the website of the first respondent insofar as the petitioner herein is concerned, quash the same as illegal, arbitrary and devoid of merits and consequentially direct the respondents herein to permit the petitioner to get reappointed as Director of any Company or appointed as Director in other Company without any hindrance.

For Petitioner : Mr.S.Satish

For Respondents : Mr.K.Thirukumaran
Central Government Standing Counsel



ORDER

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Challenge is laid to the order of the second respondent dated 17.12.2018, insofar as the petitioner is concerned, and consequential direction is sought for to direct the respondents to permit the petitioner to get reappointed as Director of any Company or appointed in any other Company without any hindrance.

2. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The issue involved in this writ petition is no more a res integra. It is to be stated that the Registrar of Companies (RoC) has been disqualifying the Directors under Section 164(2)(a) of the Companies Act, 2013 by order dated 08.09.2017. Another list was published in the website of the first respondent on 01.11.2017 disqualifying the Directors. Yet another list of Directors were disqualified on 17.12.2018 by the RoC.

4. Several of the Directors so disqualified under the above mentioned notifications dated 08.09.2017 and 01.11.2017 challenged the same before this Court and this Court by order dated 03.08.2018 in Bhagavan Das Dhananjaya Das V. Union of India, (2018) 6 MLJ 704, allowed the batch of writ petitions and set aside the aforesaid notifications/orders.

5. The notification dated 17.12.2018, which was uploaded in the website by the first respondent on 18.12.2018 was challenged on the strength of the judgment of this Court in Bhagavan Das case (cited supra). However, they were dismissed by this Court, and such orders were passed on 27.01.2020 and 10.02.2020, etc. The said orders were put to challenge in a batch of writ appeals, which were dealt with by the Hon'ble First Bench of this Court in W.A.No.569 of 2020, etc. batch (Meethelaveetil Kaitheri Muralidharan V. Union of India, 2020 SCC OnLine Mad 1958). The Hon'ble Division Bench in the said order dealt with the powers of the RoC in the light of Sections 164 and 167(1) of the Companies Act, 2013 and Rule 14 of the Companies (Appointment and Qualifications of Directors) Rules, 2014 and also has elaborately considered as to whether the RoC is entitled to deactivate the Director Identification Number (DIN) by referring to the Rules 19, 10 and 11 of the said 2014 Rules and held as follows :



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observations and conclusions herein. No costs. Consequently, connected miscellaneous petitions are closed."

6. In view of the aforesaid position, following the decision of the Hon'ble First Bench of this Court in Meethelaveetil Kaitheri Muralidharan's case (supra), the writ petition is allowed, in the terms indicated in the aforesaid judgment. No costs. Consequently, connected miscellaneous petitions are closed.

sd/
ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

srn

To

1. The Secretary,
Union of India,
Ministry of Corporate Affairs
Shastri Bhawan, Dr.Rajendra Prasad Road,
New Delhi - 110 001.
2. The Registrar of Companies,
Tamil Nadu, Chennai,
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AJS (CO)
cs 19/12/2020