**HIGH COURT FOR THE STATE OF TELANGANA**
**AT HYDERABAD**

**(Special Original Jurisdiction)**

FRIDAY ,THE EIGHTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

**PRESENT**

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION NO: 23140 OF 2020**

**Between:**

1. Sri Shameer Ahmed Mohammed, S/o Sri Mohammed Babumiya, Aged about- 43 years. R/o.8-1-366/A/69 Tolichowki, Jankinagar Colony. Hyderabad. Telangana-500008
2. Sri Mohammed Javeed Pasha, S/o Sri late Mohammed Bahu Miya. Aged about-47 years. R/o.8-1-366/A/69 Tolichowki, Jankinagar Colony. Hyderabad. Telangana-500008

**...PETITIONERS**

**AND**

1. Union of India, Represented by its Ministry of Corporate Affairs. Shastri Bhawan, Dr.Rajender Prasad Road. New Delhi - 110001
2. The Registrar of Companies, Telangana 2nd Floor, Corporate Bhawan, Thattiannaram, G.S.I. Post. Bandlaguda. Nagole.Hyderabad – 500068

**...RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to pass an order or direction or any other proceedings one in the nature of Writ of Mandamus declaring the action of respondents in disqualifying the petitioners as a directors and deactivating the 1st petitioner's DIN 02723432 (Sri Shameer Ahmed Mohammed) and 2nd petitioner DIN 02723845 (Sri Mohammed Javeed Pasha) and restricting the petitioner to incorporate new companies Under Companies Act, 2013 as arbitrary, illegal, without jurisdiction, contrary of the provisions of the Companies Act, 2013 and Rule 11 of the Companies (Appointment of Directors) Rules, 2014, violative of the principles of natural justice besides violating the petitioner rights guaranteed under Article 14 and Article 19 (1)(g) of the Constitution of India.

**IA NO: 1 OF 2020**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 1st Respondent to stay the disqualification and restore the petitioner's DIN 02723432 (Sri Shameer Ahmed Mohammed) and 2nd petitioner DIN 02723845 (Sri Mohammed Javeed Pasha) to the petitioners so as to enable the petitioners to incorporate new companies Under Companies Act. 2013.

**Counsel for the Petitioner : M/s. ANGOTHU NEHRU**
**Counsel for the Respondents: SRI NAMAVARAPU RAJESHWAR RAO,**
**ASST.SOLICITOR GENERAL**

**The Court made the following: ORDER**

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No. 23140 of 2020**

**ORDER:**

The petitioners challenge their disqualification from Directorship under Section 164(2) of the Companies Act, 2013, for the alleged default in filing financial statement/Annual Returns, and consequently seek restoration of their Director Identification Numbers (DIN) viz., 02723432 and 02723845 respectively.

Learned counsel for the petitioners submits that the issue raised in the present Writ Petition is squarely covered by the common order dated 18.07.2019 in W.P.No.5422 of 2018 and batch.

Learned Assistant Solicitor General appearing for the 2nd respondent - Registrar of Companies does not dispute the aforesaid submission.

Operative portion of the aforesaid order reads as under:

> **"For the foregoing reasons, the impugned orders in the writ petitions to the extent of disqualifying the petitioners under Section 164(2)(a) of the Act and deactivation of their DINs, are set aside, and the 2nd respondent is directed to activate the DINs of the petitioners, enabling them to function as Directors other than in strike off companies.**
>
> **It is made clear that this order will not preclude the 2nd respondent from taking appropriate action in accordance with law for violations as envisaged under Section 164(2) of the Act, giving the said provision prospective effect from 01.04.2014 and for necessary action against DIN in case of violations of Rule 11 of the Rules.**
>
> **It is also made clear that if the petitioners are aggrieved by the action of the respondents in striking off their companies under Section 248 of the Act, they are at**

**liberty to avail alternative remedy under Section 252 of the Act.**

**All the writ petitions are accordingly allowed to the extent indicated above."**

In view of the said Order dated 18.07.2019 and for the reasons recorded therein, this Writ Petition is also allowed in terms thereof. No costs.

Miscellaneous Petitions, if any pending, shall stand closed.

**SD/-B.SATYAVATHI**
**ASSISTANT REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

**To,**

1. Union of India, Ministry of Corporate Affairs, Shastri Bhawan. Dr.Rajender Prasad Road. New Delhi - 110001
2. The Registrar of Companies, Telangana 2nd Floor, Corporate Bhawan. Thattiannaram. G.S.I. Post. Bandlaguda. Nagole.Hyderabad - 500068
3. One CC to Sri. Angothu Nehru, Advocate [OPUC]
4. One CC to Sri Namavarapu Rajeshwar Rao, Asst. Solicitor General, Advocate [OPUC]
5. Two CD Copies

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HIGH COURT

DATED:18/12/2020




ORDER

WP.No.23140 of 2020

ALLOWING THE WP

WITHOUT COSTS

D 28/12/2020