

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

TUESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO: 24090 OF 2020

Between:

1. Abdul Asad Mohammed, S/o. Abdul Khadeer Mohammed Age . 43 Years, Occupation. Business,- R/o. HNO. 16-11-312/6, 1 FLOOR Zareena Plaza, Moosaram Bagh, Malakpet HYDERABAD, Telangana - 500036
2. Younus Mohammed Khan, S/o. Mohd Ibrahim Khan Age . 51 Years, Occupation. Business, R/o. H.NO. 6-52, Teachers Colony, Marlu Road, Mahaboobnagar - 509002

...PETITIONERS

AND

1. Union of India, Rep by its Secretary, Ministry of Corporate Affairs, Shastri Bhavan, Dr. Rajendra Prasad Marg, New Delhi,
2. The Registrar, Office of Registrar of Companies, ROC, 2nd Floor, Corporate Bhavan, Near Central Water Board, GST 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 issue any appropriate writ, order or direction more particularly in the nature of a Writ of Mandamus declaring the action of the Respondents in disqualifying the Petitioners invoking Section 164(2) (a) as arbitrary, illegal, contrary to the principles of natural justice, in violation of the provisions of the Companies Act, 2013 and in contravention of the rights guaranteed under Article 14 and Article 19 (1) of the Constitution of India and consequently direct the Respondents to restore the DIN No's.02678143 and 02696470 of the petitioners.

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 Respondents to restore the DINS of the Petitioners DIN Nos. 02678143 & 02696470 so as to enable the Petitioners to file the requisite forms with the MCA portal, wherein the Petitioners can act as Directors pending disposal of the Writ Petition.

Counsel for the Petitioner : SMT. VANGA ANITA

**Counsel for the Respondents: SRI NAMAVARAPU RAJESHWAR RAO,
ASST. SOLICITOR GENERAL**

The Court at the stage of admission made the following: ORDER

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 24090 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., 02678143 and 02696470 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.

//TRUE COPY//

SD/-K.SAILESHI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Secretary, Ministry of Corporate Affairs, Union of India, Shastry Bhavan, Dr. Rajendra Prasad Marg, New Delhi,
2. The Registrar, Office of Registrar of Companies, ROC, 2nd Floor, Corporate Bhavan, Near Central Water Board, GST Post, Bandlaguda, Nagole, Hyderabad - 500068.
3. One CC to Smt. Vanga Anita, Advocate [OPUC]
4. One CC to Sri Namavarapu Rajeshwar Rao, Asst. Solicitor General, Advocate [OPUC]
5. Two CD Copies

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[Handwritten signature]

HIGH COURT

DATED:29/12/2020

ORDER

WP.No.24090 of 2020



ALLOWING THE WP
WITHOUT COSTS

⑥
7/1/21
JL