

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

**THURSDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY**

PRESENT

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO. 24464 OF 2020

Between:

1. Mr. Vaddanam Rama Krishna, S/o. Papeswara Rao Aged About 48 Years, Occ. Business, R/o. 1-23-472 Pno.113 Bhoodevi Ngr, Venkata Puram, Secunderabad, Telangana State, India-500015
2. Mr. Lakshmi Arundhathi Vaddanam, D/o. Guravaiah Naidu Paspuleti Aged About 43 Years, Occ. Business, R/o. Plot No.113, Bhoodevi Nagar, H.No. 1-23-472, Venkatapuram, Secunderabad, Telangana State India-500015.

...PETITIONERS

AND

1. Union of India, The Ministry of Corporate Affairs Represented by its Secretary A Wing, Shastri Bhawan, Rajendra Prasad Road, New Delhi - 110 011,
2. The Registrar of Companies, Telangana State, 2nd Floor, Corporate Bhawan, GSI Post, Tattianaram, Nagole, Bandlaguda, Hyderabad - 500 068

...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 proceeding one in the nature of Writ of Mandamus declaring the action of respondents in deactivating the DIN Numbers 01687559, 01735730 for the disqualification Period from 1/11/2016 to 31/10/2021 of the Petitioners and restricting the petitioners from filing statutory returns, i.e., the annual returns of the Petitioners company 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 principle of natural justice besides violating the petitioners 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 respondent to restore the DIN numbers 01687559, 01735730 for the disqualification Period from 1/11/2016 to 31/10/2021 of the Petitioners. So as to enable them to submit the annual returns and Financial Statements of the Petitioner's company.

Counsel for the Petitioner: SRI AJAY BABU MANDADAPU

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

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER ✓

WRIT PETITION No.24464 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 (DINs) viz., 01687559 and 01735730.

2. Learned counsel for the petitioners would submit that the issue raised in the present Writ Petition is squarely covered by the order, dated 24.09.2020, passed in W.P.No.16522 of 2020, which was disposed of in terms of the common order, dated 18.07.2019, passed in W.P.No.5422 of 2018 and batch.

3. Sri Siripuram Keshava, learned counsel representing Sri Namavarapu Rajeshwar Rao, learned Assistant Solicitor General of India, appearing for the respondents, has fairly conceded that the order, dated 24.09.2020, passed in W.P.No.16522 of 2020, is similar to the common order, dated 18.07.2019, passed in W.P.No.5422 of 2018 and batch.

4. The operative portion of the common order, dated 18.07.2019, passed in W.P.No.5422 of 2018 and batch, 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."

5. In view of the above, the present Writ Petition is disposed of in terms of the common order, dated 18.07.2019, passed in W.P.No.5422 of 2018 and batch. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

//TRUE COPY//

SD/-L.LAKSHMI BABU
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Secretary Union of India, The Ministry of Corporate Affairs A Wing, Shastri Bhawan, Rajendra Prasad Road, New Delhi - 110 011,
2. The Registrar of Companies, Telangana State, 2nd Floor, Corporate Bhawan, GSI Post, Tattianaram, Nagole, Bandlaguda, Hyderabad - 500 068
3. One CC to Sri Ajay Babu Mandadapu, Advocate [OPUC]
4. One CC to Sri Namavarapu Rajeshwar Rao, Assistant Solicitor General (OPUC)
5. Two CD Copies.

MP

HIGH COURT

DATED:31/12/2020

ORDER

WP.No.24464 of 2020



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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18/01/2021