

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 27625 of 2019

O R D E R:

This writ petition is filed for the following relief:

“.....to issue writ of mandamus or any other appropriate writ/direction, declaring Notice No. ROC (H)/248(5)/STK-7/2017, dated 21.07.2017 in so far as deactivating the petitioners' DIN (Director Identification Number) 05152981 by enlisting his name in the list of disqualified Directors on the website of 1st respondent and thereby restraining the petitioner from filing statutory returns i.e. Financial Statements & Annual Returns of the other companies in which he is Director, as illegal, without jurisdiction, contrary to the provisions of the Companies Act, 2013 and Rule 11 of the Companies (Appointment and Qualification of Directors) Rules, 2014 besides violative of the principles of natural justice and also violative of Articles 14 and 19(1)(g) of the Constitution of India and consequently set aside the same and the respondents may be further directed to permit the petitioner to continue as Director of other Companies without any interference”

When the matter is taken up, it is submitted by the learned counsel for the petitioner that the issue raised in the present Writ Petition is squarely covered by the common order dated 18.07.2019 passed by this Court in W.P.No.5422 of 2018 and batch.

Learned Standing Counsel for the Registrar of Companies (For the State of Telangana) appearing for respondent No.2 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 those circumstances, following the above said common order and for the reasons recorded therein, this Writ Petition is also allowed in terms thereof.

Miscellaneous Petitions, if any pending, shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:02.01.2020

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