

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 28798 of 2019

ORDER:

This Writ Petition is filed for the following relief:

“....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 petitioner as a directors and deactivating the 1st petitioner DIN 03574555 and 2nd petitioner Director Identification Number (DIN) 03584553 by vide notification dated 14.09.2017, at Serial No.34728 and 34729 respectively and restricting the petitioners from filing statutory returns i.e., the annual returns and financial statements of the Companies in which they are Directors 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.”

When the matter is taken up, it is submitted by the learned counsel for the petitioners 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

3rd JANUARY, 2020.

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