

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3875 of 2021

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Kalyan Kumar Singh, aged about 39 years (Male), son of Rabindra Nath Singh, resident of Dak Bangla Road, Tara Bhawan, Mokameh, Mokama, Patna, Bihar- 803302

-Versus-

1. Union of India, through its Secretary, Ministry of Corporate Affairs Having its Office at A-Wing, Shastri Bhavan, Rajendra Prasad Road, New Delhi- 110001

2. REGISTRAR OF COMPANIES, BIHAR & JHARKHAND, having its Office at High Court of Patna Maurya Lok Complex, Block- "A". 4th Floor, Dak Bungalow Road, Patna, Email: roc.patna@mca.gov.in

..... Respondents

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Appearance :

For the Petitioner/s	:	Mr. Sanchay Srivastava, Advocate Mr. Ravi Prakash, Advocate Mr. Sourav Suman, Advocate Mr. Anirudh Bhatia, Advocate Ms. Shreya Sethi, Advocate
For the Respondent/s	:	Dr. K.N. Singh, ASG.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 30-04-2021

Petitioner has prayed for the following relief(s):

“I. For issuance of an appropriate writ(s)/
order(s)/direction(s) in the nature of Certiorari for
quashing and setting-aside declaring Section 164(2)
of the Companies Act, 2013 as ultra vires and in



violation of the Constitution of India;

II. That the present writ application is being filed for issuance of an appropriate writ(s)/ order(s) direction(s) in the nature of Certiorari to strike down Section 164(2)(a) of the Companies Act, 2013, as being ultra vires and in violation of the Constitution of India insofar as it disqualifies a Director not only from the allegedly Defaulting Company, but also from any other Company where s/he holds the office of Director;

III. That the present writ application is being filed for issuance of an appropriate writ(s)/ order(s)/ direction(s) in the nature of Certiorari quashing the order/list declaring the publication of the name of the Petitioner on the list of disqualified Directors uploaded and published on the website of Respondent No.1, and to declare the same as arbitrary and illegal to the extent that the same pertains to the Petitioner:

IV. That the present Writ Application is being filed for issuance of an appropriate writ, order or direction in the nature of Mandamus ordering/directing the Respondent Nos. 1& 2 not to treat the Petitioner as a "disqualified director" under Sections 164 or 167 of the Companies Act, 2013, and for any consequential measures and/or effects arising/contemplated therefrom;

V. That the present Writ Application is being filed for issuance of an appropriate writ, order



or direction in the nature of Mandamus ordering/directing the Respondent Nos. 1 and 2 to change the status of the Petitioner in the records of the Respondent Nos. 1 and 2 from "disqualified directors" and consequently directing Respondent Nos. 1 and 2 to de-freeze the Directors identification Number ("DIN") and Digital Signature Certificates ("DSC") of the Petitioner, thereby enabling the Petitioner to act as directors and to file the documents and return on behalf of all companies in which such Petitioner serves as a Director;

VI. That the present Writ Application is being filed for issuance of an appropriate writ, ad interim order or direction staying the operation of the List of disqualified directors to the extent it includes the name of the Petitioner and directing the Respondent Nos. 1 and 2 not to treat the Petitioner as "disqualified directors" under Section 164 of the Companies Act, 2013 and for any consequential measures and/or effects arising/ contemplated therefrom;

VII. That the present Writ Application is being filed for issuance of an appropriate writ, ad interim order or direction directing the Respondent Nos. 1 and 2 to change the status of the Petitioner in the records of the Respondent Nos. 1 and 2 from "disqualified directors" and consequently directing Respondent Nos. 1 and 2 to de-freeze the Directors Identification Number and Digital Signature



Certificates of the Petitioner, thereby enabling the Petitioner to act as directors and to file the documents and return on behalf of all companies in which such Petitioner serves as a Director;

VIII. And for issuance of any other relief or relief(s) for which the petitioner is entitled for.”

Learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to initiate appropriate proceedings before the appropriate forum under the provisions of the Companies Act/ any other law.

Liberty, as prayed for, is granted.

Present petition stands dismissed as withdrawn with the liberty aforesaid.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

DKS/-

AFR/NAFR	
CAV DATE	
Uploading Date	01.05.2021
Transmission Date	

