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08.03.2021
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**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. No. 6172 of 2021

**Prativa Agro Product
Private Limited & Anr.
-Vs.-
Union of India & Ors.**

With

W.P.A. No. 6171 of 2021

**Ess Lahiri & Co. Pvt. Ltd. & Anr.
-Vs.-
Union of India & Ors.**

Mr. S.S. Sarker,
Ms. Tanusri Chanda
...for the petitioners

Mr. Subit Majumdar,
Mr. Ajoy Choubey,
Ms. Hema Mukherjee
...for the Union of India

The grievance of the petitioners in both the matters is that, although the petitioner no. 1-company, being a private limited company, was directed by the National Company Law Tribunal (NCLT), Kolkata Bench, to be restored by the Registrar of Companies, West Bengal, to its original status as if the name of the company had not been struck off from the Register of Companies and passed a consequential order, inter alia, directing the company to file all

pending statutory documents, as stipulated in the order, the second petitioner cannot do so in view of the Directors Identification Number (DIN) of the petitioner having still not being regularized after being deactivated.

Upon hearing learned counsel of both sides, it is evident that if the company itself was let off the hook by the NCLT and directed to be restored to its original status, disqualification/deactivation of the DIN of the second petitioner on the ground of alleged default committed by the same company automatically goes.

As such, W.P.A. No. 6172 of 2021 and W.P.A. No. 6171 of 2021 are allowed, thereby directing the respondents to restore the Director's Identification Number of the petitioner no. 2 to its original status upon considering the previous deactivation being cancelled and to accept all documents on behalf of the petitioner no. 1-company from the petitioner no. 2 in both matters, in the capacity of Directors of the said company, as required in law and as per order of NCLT.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the

parties upon compliance of all necessary formalities.

All parties shall act on the communication of the learned advocates and/or server copy of this order, without insisting upon prior production of certified copy.

(Sabyasachi Bhattacharyya, J.)