

AD. 27.
March 8, 2021.
MNS.

W. P. A. 6697 of 2020
with
CAN 1 of 2020 (CAN 5591 of 2020)
(Via video conference)

Garima Rungta
Vs.
Union of India and others

Mr. Krishnaraj Thakker,
Mr. Tanoy Chakraborty,
Ms. Ritika Shroff

... for the petitioner.

Mr. Avinash Kankani

...for the respondent-authorities.

Affidavit-of-service filed in Court today be
taken on record.

The petitioner's contention is that, despite
there being no fault on the part of the petitioner
as far as the compliance of the provision of
Section 164 of the Companies Act, 2013 (2013
Act) and relevant provisions are concerned, the
Director Identification Number (DIN) of the
petitioner was deactivated on the ground of such
non-compliance.

Learned counsel for the petitioner
indicates that, by virtue of an order dated June
24, 2016, the Registrar of Companies at Kolkata

had held that since there was a dispute *inter se* between the major shareholders of the company, the documents filed by the Company and by the contesting groups of Directors would not be approved/registered/recorded and would thus not be available in the registry for public viewing.

Learned counsel submits that the said restraint order prevented the petitioner's documents from being uploaded despite the petitioner having duly filed those within time.

Learned counsel places reliance on Annexure – P6 at page 29 of the writ petition, which contains a list of such statements, which were sought to be filed by the petitioner, but have been kept pending due to “management dispute”.

Upon hearing learned counsel for both sides, it is evident that there was no fault on the part of the petitioner to justify deactivation of the DIN of the petitioner under Section 164 of the 2013 Act. Moreover, it was rather beyond the scope of the jurisdiction of the Registrar of Companies to direct that the documents filed by the Directors would not be approved/registered/recorded and thus would not be available in the registry for public viewing, thereby depriving the petitioner and other

Directors from exercising their legal rights in that regard.

As such, W. P. A. 6697 of 2020 is allowed, thereby setting aside the deactivation of the DIN of the petitioner and the operation of the portion of the order dated June 24, 2016 passed by the Registrar of Companies at Kolkata (Annexure – P7 at page 50 of the writ petition), by which it was directed that the documents filed by the Directors of the Company would not be approved/registered/recorded and would not be available in the registry for public viewing.

The respondent-authorities are directed to take immediate steps for making necessary publication restoring / reactivating the DIN of the petitioner pursuant to this order.

In view of disposal of the writ petition, the connected application, being CAN 1 of 2020 (CAN 5591 of 2020) is also disposed of.

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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)