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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE S.KANNAMMAL

W.A.No.2015 of 2021
and
C.M.P.Nos.12889 & 12891 of 2021

A.E.Krishnan

.. Appellant

Vs.

1. Union of India
Represented by its Secretary
Ministry of Corporate Affairs
Shastri Bhawan,
Dr.Rajendra Prasad Road,
New Delhi - 110001.

2. Registrar of Companies
Tamil Nadu, Chennai
Block No.6, B Wing 2nd Floor
Shastri Bhawan 26
Haddows Road
Chennai - 600 006.

.. Respondents

Appeal filed under Clause 15 of Letters Patent against the order dated 27.01.2020 made in W.P.No.20859 of 2019.

Prayer in W.P.No.20859 of 2019:

Writ of Certiorarified Mandamus calling for the records of the 2nd respondent relating to the impugned order dated 17.12.2018 uploaded in the website of the 1st respondent in so far as the petitioner herein is concerned, quash the same as illegal, arbitrary and devoid of merit and consequentially direct the respondents herein to permit petitioner to get reappointed as Director of any company or appointed as Director in any company without any hindrance.

For Appellant : Ms.Srinidhi Srinivasan

For Respondents : Mr.C.Kulanthaivelu



JUDGMENT
(Delivered by M.M.SUNDRESH, J.)

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This writ appeal is directed against the order dated 27.01.2020 passed in W.P.No.20859 of 2019., whereby the learned single Judge dismissed the writ petition.

2.The issue involved is no longer res integra. Learned counsel appearing for the appellant and the learned counsel appearing for the respondents submitted that the question of invoking disqualification has already been considered by a Division Bench of this Court, holding in favour of the similarly placed person like the appellant. Reliance has been made on the recent judgment of the Division Bench dated 26.03.2021 in W.A.No.908 of 2021 (Durairaj Dhanasekaran Vs. Union of India and another), which took into consideration the earlier judgment passed by this Court. The operative portion of the judgment dated 26.03.2021 reads as under:

2. A Division Bench of this Court, in a batch of writ appeals, decided on October 9, 2020, in Meethelaveetil Kaitheri Muralidharan and others v. Union of India and another, reported in (2020) 6 CTC 113 : (2020) 7 MLJ 641 : 2020 SCC OnLine Mad 2958, allowed all the writ appeals and held that prior notice is necessary before disqualifying Directors under Section 164(2) of the Companies Act, 2013 and that the Registrar of Companies is not entitled to deactivate the Director Identification Number (DIN) for failure to file financial statements under applicable law and rules framed thereunder. The present writ appeal is squarely covered by the said judgment.

3.In view of the above, this writ appeal is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

mmi/ssm



To

1. The Secretary
Union of India,
Ministry of Corporate Affairs
Shastri Bhawan,
Dr.Rajendra Prasad Road,
New Delhi - 110001.

2. The Registrar of Companies
Tamil Nadu, Chennai
Block No.6, B Wing 2nd Floor
Shastri Bhawan 26
Haddows Road
Chennai - 600 006.

+1cc to Mr.Srinidhi Srinivasan, Advocate, S.R.No.41173

+1cc to Mr.C.Kulanthaivel, Advocate, S.R.No.41335

W.A.No.2015 of 2021

AK-II (CO)
SU(17/09/2021)