

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.No.1362 of 2021
and C.M.P.No.8155 of 2021

Chandrasekaran Shivakumar .. Appellant/Petitioner

Vs

1.Union of India

Rep. by its Ministry of Corporate Affairs,
Shastri Bhawan,
Dr.Rajendra Prasad Road,
New Delhi - 110 001.

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

.. Respondents/Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 10.02.2020 made in W.P.No.3155 of 2020. Petition under Article 226 of the constitution of India, praying for the issue of a writ of certiorified Mandamus calling for the records of the 2nd respondent relating to the impugned order dated 17.12.2018 uploaded in website of the 1st respondent in so far as the petitioner is concerned with (DIN) Director Identification Number 02778576 under Sec.164 (2) (a) of the Companies Act 2013 (Second Phase) and quash the same as illegal arbitrary and devoid of merit and may direct the respondents to activate the Director Identification Number and Digital Signature of the petitioner or get appointed or reappointed as Director of any Company without any hindrance.

For Appellant : Mr.Deepan Uday

For Respondents : Mr.C.Kulanthaivel
for R1

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

This writ appeal is directed against the order dated 10.02.2020 passed in W.P.No.3155 of 2020, whereby the learned single Judge dismissed the writ petition.

2.The issue involved is no longer res interga. Learned counsel appearing for the appellant and the learned counsel appearing for the first respondent 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 petition is closed.

s/d-

Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

mmi

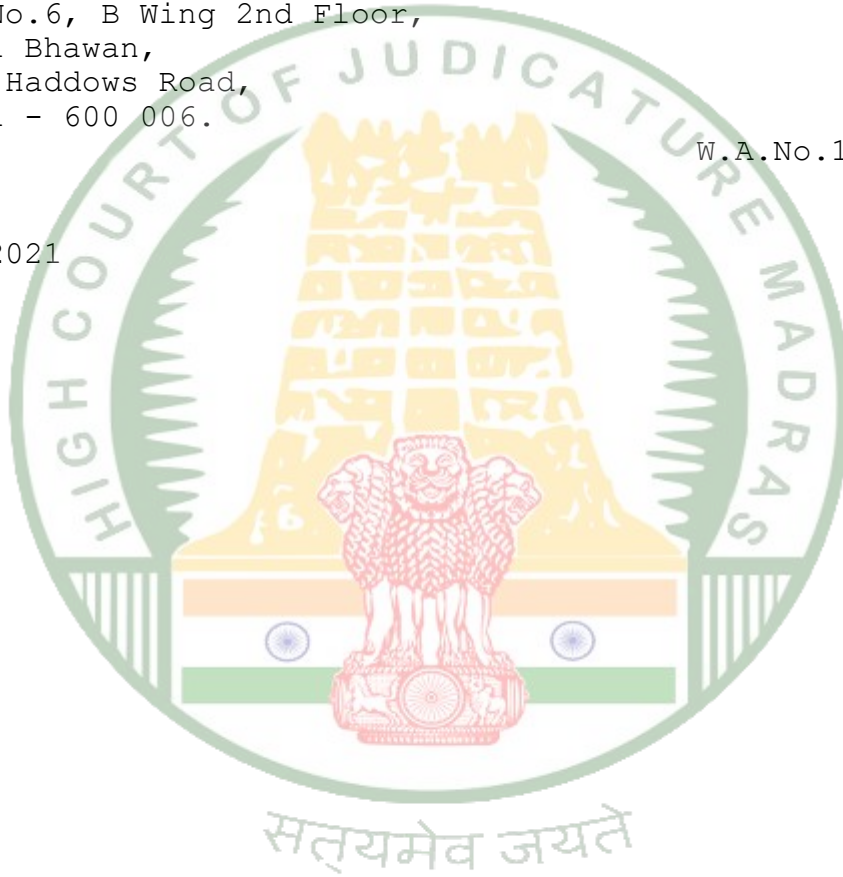
To

1.The Secretary,
Ministry of Corporate Affairs,
Union of India,
Shastri Bhawan,
Dr.Rajendra Prasad Road,
New Delhi - 110 001.

2.Registrar of Company Tamil Nadu Chennai,
Block No.6, B Wing 2nd Floor,
Shastri Bhawan,
No.26, Haddows Road,
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AJS (CO)
EU 12.05.2021



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