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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NO.12785 OF 2021 &  
W.M.P.NO.13585 OF 2021

Mr.Natarajan

... Petitioner

Vs.

1. The Union of India,  
The Ministry of Corporate Affairs,  
New Delhi.
2. The Registrar of Companies,  
No.7, AGT Business Park,  
I Floor, Phase II,  
Avinashi Road,  
Civil Aerodrome Post,  
Coimbatore 641 014

... Respondents

Prayer:- Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records of the impugned order dated 26.11.2016 passed by the respondent in so far as the petitioner herein is concerned and quash the same as void, illegal and unconstitutional and direct the respondent to permit the petitioner to get reappointed as Director of any company or appointed as Director in any company without any hindrance.

For Petitioner : Mr.Sivanandam

For Respondents : Mr.P.Sidharth, CGSC for R1

Mr. Stalin Abimanyu,  
Govt. Advocate for R2

O R D E R

The prayer made in this writ petition is to issue a Certiorarified Mandamus, calling for the records of the second respondent relating to the order dated 26.11.2016 which was uploaded in the website of the first respondent, insofar as the



petitioner is concerned and quash the same and for consequential relief.

2. According to the petitioner, the second respondent released a list of disqualified directors, who have been disqualified under Section 164(2)(a) of the Companies Act, 2013, as directors with effect from 01.11.2017, in which, his name was also mentioned (DIN No: 00276362). In other words, the second respondent, by including the name of the petitioner, has disqualified him as Director under Section 164(2)(a) of the Companies Act, 2013 for non-filing of financial statements or annual returns for continuous period of three financial years by the defaulting companies on whose board, the petitioner is also a Director, due to which, he is prohibited from being appointed or reappointed as director in any other company for a period of 5 years. Stating that the action so taken by the second respondent is arbitrary and unreasonable, the petitioner has filed the present writ petition with the aforesaid prayer.

3. Today, when the matter was taken up for consideration, the learned counsel appearing for the parties jointly submitted that the issue involved herein is no longer res integra. Earlier, this Court by order dated 03.08.2018 in WP.No.25455 of 2017 etc. batch, in Bhagavan Das Dhananjaya Das case reported in (2018) 6 MLJ 704, allowed those writ petitions and set aside the orders dated 08.09.2017, 01.11.2017, 17.12.2018, etc. passed by the Registrar of Companies, disqualifying the petitioners therein to hold the office of directorship of the companies under Section 164(2)(a) of the Companies Act, which came into effect from 01.04.2014. Thereafter, yet another set of disqualified directors approached this court by filing WP.No.13616 of 2018 etc. batch (Khushru Dorab Madan v. Union of India) which were dismissed by order dated 27.01.2020. The said order of the learned single judge was challenged by some of the petitioners therein before the Division Bench of this Court in W.A.No.569 of 2020, etc. batch (Meethelaveetil Kaitheri Muralidharan v. Union of India, 2020 SCC OnLine Mad 2958 : (2020) 6 CTC 113), which after elaborately dealt with the issue as to whether the RoC is entitled to deactivate the Director Identification Number (DIN), allowed those writ appeals on 09.10.2020, the relevant passage of which, are profitably, extracted below:

"41. As is evident from the above, Rules 9 and 10 deals with the application for allotment of DIN. Rule 10(6) specifies that the DIN is valid for the life time of the applicant and shall not be allotted to any other person. Rule 11 provides for the cancellation or surrender or deactivation of the DIN. It is very clear upon examining Rule





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list of disqualified directors by the ROC and the deactivation of the DIN of the Appellants is hereby quashed. As a corollary to our conclusion on the deactivation of DIN, the DIN of the respective directors shall be reactivated within 30 days of the date of receipt of a copy of this order. Nonetheless, we make it clear that it is open to the ROC concerned to initiate action with regard to disqualification subject to an enquiry to decide the question of attribution of default to specific directors by taking into account the observations and conclusions herein. No costs. Consequently, connected miscellaneous petitions are closed."

4. Therefore, following the aforesaid decision, the writ petition stands allowed, in the terms as indicated in the judgment in Meethelaveetil Kaitheri Muralidharan's case. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msr

To

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

2. The Registrar of Companies  
No.7, AGT Business Park  
Phase II, 1<sup>st</sup> Floor,  
Civil Aerodrome Post,  
Coimbatore - 641 014.

+1cc to Mr.P.Sidharth, Advocate, S.R.No.29763

W.P.NO.12785 OF 2021

PMK (CO)  
PBS (28/07/2021)