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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2021

CORAM:

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No. 13151 of 2021
and W.M.P.Nos.13963 & 13966 of 2021

N. Krishnamoorthy

...Petitioner

Vs

1. The Registrar of Companies,
AGT Business Park, Avinashi Road,
Civil Aerodrome Post, Coimbatore,
Tamil Nadu.

2. Union of India,
through its Secretary,
Ministry of Corporate Affairs,
5th Floor, A Wing,
"Shastri Bhavan",
New Delhi 110 001.

...Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records of the 1st respondent relating to the impugned order dated 07.12.2018 uploaded in the website of the 2nd respondent insofar 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 re-appointed as Director of the Company or appointed as Director in any company without any hindrance.

For Petitioner : Mr.G.Sudhakar

For Respondents : Mr.Stalin Abhimanyu
Govt. Advocate for R2
Mr.Sidharth,
Central Govt. Standing Counsel
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 first respondent relating to the order dated 07.12.2018 which was



३.१.२. अमेरिका

"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 11 that neither cancellation nor



43. In the result, these appeals are allowed by setting aside the impugned order dated 27.01.2020. Consequently, the publication of the 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



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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 petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

msr

To

1. The Registrar of Companies
No.7, AGT Business Park
Phase II, 1st Floor,
Civil Aerodrome Post,
Coimbatore - 641 014.
2. The Secretary,
The Union of India
Ministry of Corporate Affairs, "Shastri Bhavan",
Dr. Rajendra Prasad Road,
New Delhi - 110 001.

+1cc to Mr.G.Sudhakar, Advocate, S.R.No.29425

W.P.No. 13151 of 2021
and W.M.P.Nos.13963
& 13966 of 2021

PL(CO)
PM(28/07/2021)