

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12968 of 2019

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Mrinal Singh Son of Late Shailendra Kumar Singh, Resident of 74A,
Pataliputra Colony, Patna- 800013, Bihar, India, Police Station- Pataliputra,
Patna, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The Union of India Through the Secretary, Ministry of Corporate Affairs,
Government of India, New Delhi.
2. The Secretary Ministry of Corporate Affairs, Government of India, New
Delhi.
3. The Registrar of Companies Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Surendra Singh, Advocate
For the Respondent/s	:	Dr. K.N. Singh (ASG)
		Kumar Priya Ranjan, CGC

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 02-12-2022

Petitioner has prayed for following relief (s) : -

(i) To issue an appropriate writ preferably in the nature of mandamus commanding upon the Respondent authorities produce the order by which the petitioner has been held disqualified as Director by the Respondent No.3 under Section 164(2) of the Companies Act, 2013 and upon production to quash/set aside the said order.

(ii) To issue an appropriate writ preferably in the nature of Mandamus commanding upon the Respondent authorities to produce the "List of Disqualified Directors" and upon production to quash the same as in consequence thereof the Director Identification Number (DIN)-01266579 of the petitioner has been deactivated.



(iii) To hold and declare that Section 164(2) of the Companies Act, 2013 which has come into force with effect from 01.04.2014 shall not have any retrospective effect as such the disqualification of the petitioner is bad in law and

(iv) To grant any other relief(s) for which the petitioner may be found entitled to in the peculiar facts and circumstances of the case.”

After the matter was heard for some time, finding the Court not in favour of the submissions made across the Bar, under instructions, Shri Surendra Singh states that petitioner shall be content if petitioner is permitted to comply with the formalities and procedures, as required under the Companies Act, for obtaining Director Registration number.

Prayer is allowed. Liberty, as prayed for, is granted.

We are hopeful that with the completion of the procedural formalities, appropriate action shall be taken in accordance with law expeditiously and not later than four weeks thereafter.

Liberty reserved to the petitioner to take recourse to such other remedies as are otherwise available in accordance with law.

It stands clarified that all issues of fact and law are left open to be agitated by the competent authority.

Petition is disposed of in the aforesaid terms.



Interlocutory application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/chn

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CAV DATE	
Uploading Date	06.12.2022
Transmission Date	

