

22.04.2022
Court No.13
Item No.29
AP

**WPA 913 of 2022
With
IA NO: CAN 1 of 2022**

**Mrs. Ruma Bharadwaj
Vs.
Union of India and Ors.**

Mr. Nikhi Kumar Gupta

... For the Petitioner.

Mr. S. Bera

... For the Union of India.

The petitioner is aggrieved by notice published by the Registrar of Companies dated September 21, 2017 and updated on November 16, 2017, by which the respondent No. 2 has disqualified the petitioner from acting as director with retrospective effect from November 1, 2016 for a period of five years. The said notice included the petitioner, due to the violation of Section 164(2)(a) of the Companies Act 2013, for non-filing of annual returns and balance sheet from 2018 till the year 2021. The petitioner's Director Identification Number (hereinafter referred to as 'the DIN') has also been deactivated.

It is now well-settled in a series of decisions by this Court, as also the Karnataka and Delhi High Court, that the Companies Act, 2013 does not authorize the ROC to cancel a DIN for violation of Section 164(2)(a) of the Companies Act 2013. The disqualification of the petitioner to act as director,

however, shall continue, and remain so in terms of the said Act.

The Registrar of Companies, West Bengal, is therefore directed to reactivate the petitioner's DIN immediately.

With the aforesaid observations, the writ petition is disposed of.

In view of the disposal of the writ petition, connected applications, if any, shall also stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)