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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1904 OF 2022**

Deepak Chauhan & Anr ...Petitioners
Versus
Union of India Through Ministry of Corporate ...Respondents
Affairs & Anr

Ms Sarrah Khambhat, i/b Wadia Gandhi & Co., for the Petitioners.
Mr Ashish Mehta, with Komal Bhoir i/b Ethos Legal Alliance and
Ajay Pawar for the Respondent Nos. 1 and 2.

**CORAM G.S. Patel &
Sharmila U. Deshmukh, JJ.**
DATED: 22nd November 2022

PC:-

1. The complaint of the Petitioners is that their names are not being removed as directors of the company-BUL MSK Infrastructure Private Limited. This company was non-compliant since it did not file its annual reports and there were other defaults. The Petitioners say that they were never active in the day-to-day management of the company. The company received a striking off notice on 21st March 2017. In the meantime, following the process of law, the Petitioners were disqualified to be directors inter alia under section 164 of the Companies Act, 2013.

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2. The merits are unimportant because the period of disqualification has now ended by passage of time. It is possible for the Petitioner, therefore, to tender their resignations as directors. This will require a certain Form-32 to be submitted.

3. The additional difficulty is that the form can be uploaded only by or on behalf of the company itself. In response to this, we are told that the company has been restored to the register and that it is now compliant. Even so, demanding this will create unnecessary and needless complication and perhaps a greater delay.

4. Accordingly, we direct the Petitioners to submit the necessary form to the 2nd Respondent, the Registrar of Companies, Mumbai in digitally signed soft copy and physically signed hard copy. The RoC will, within 10 days of receipt of these signed forms indicating the Petitioners' resignations as directors, make the necessary arrangements to have the documents and forms uploaded and the names of the petitioners removed as directors of the company.

5. The Petition is disposed of in these terms. No costs.

(Sharmila U. Deshmukh, J)

(G. S. Patel, J)