



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.Nos.3188 and 3191 of 2022

and

W.M.P.Nos.3341, 3344 to 3346 of 2022

1.Mrs.Lakshmi Mani

...Petitioner
in W.P.No.3188 of 2022

2.Mr.B.V.S.L.Krishna Kishore

...Petitioner
in W.P.No.3191 of 2022

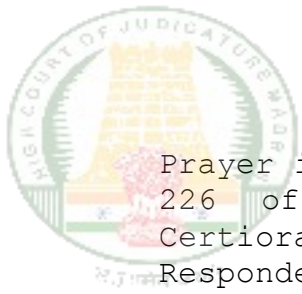
Vs

1.The Union of India,
Represented by its
Ministry of Corporate Affairs,
Shastri Bhavan,
Dr.Rajendra Prasad Road,
New Delhi - 110 001.

2.Registrar of Companies, Tamil Nadu, Chennai,
Block No.6, B Wing 2nd Floor,
Shastri Bhavan 26,
Haddows Road,
Chennai - 600006.

... Respondents
in both W.Ps

Prayer in W.P.No.3188 of 2022 : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd Respondent relating to the Impugned order dated 01.11.2017 uploaded in the website of the 1st Respondent in so far as the petitioner herein is concerned with Director Identification Number 2353370 and quash the same as illegal, arbitrary and devoid of merit and consequentially direct the Respondents herein to permit the petitioner to continue as a director of other company or get appointed or reappointed as Director of any Company without any hindrance.



Prayer in W.P.No.3191 of 2022 : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd Respondent relating to the Impugned order dated 01.11.2017 uploaded in the website of the 1st Respondent in so far as the petitioner herein is concerned with Director Identification Number 1847389 and quash the same as illegal, arbitrary and devoid of merit and consequentially direct the Respondents herein to permit the petitioner to continue as a director of other company or get appointed or reappointed as Director of any Company without any hindrance.

For Petitioner : Mr.P.Subba Reddy
(in both W.Ps)

For Respondents : Mr.Subramanian,
Additional Central Government
Standing Counsel
(in both W.Ps)

COMMON ORDER

These petitioners seek a quash of order dated 01.11.2017 by the Registrar of Companies uploaded in the website of Ministry of Corporate Affairs, deactivating the Director Identification Number (DIN) of the petitioners and a direction to permit the petitioners to continue as a Director of any company of their choice without any hindrance.

2. This Court has considered identical prayers in line with the decision of the Division Bench of this Court in the case of Meethelaveetil Kaitheri Muralidharan Vs Union of India in W.A.No.569 of 2020 reported in [2020 (7) Mad LJ 641] setting aside the publication of list by the Registrar of Companies and the consequent deactivation of Director Identification Number (DIN) for violation of principles of natural justice and directing reactivation of DIN within a specified period.

3. However, the counter filed by R-2 is to the effect that writ petitions are misconceived as the disqualification imposed upon the petitioner was only for the period from 01.11.2016 to 31.10.2021. Thus, the period of disqualification had expired even prior to the filing of the present writ petitions, as, on 01.11.2021, the disqualification imposed ceases.



4. Thereafter, what appears to have transpired is alleged non-compliance by the petitioners in terms of Rule 11 (2) of the Companies (Appointment of Directors) Rules, 2014, as a result of which the Director's Identification Number (DIN) stood deactivated.

5. Thus this is not the case of disqualification of Director, but deactivation of DIN for reasons of non-compliance with the Rules. Thus, the prayer for the grant of Certiorarified Mandamus is not liable to be granted, as impugned orders dated 01.11.2017, were themselves infructuous.

6. Mr.P.Subba Reddy, learned counsel for the petitioners seeks some time to regularize the errors and effect compliances, as required, and the petitioners are so permitted. Let remedial action be taken to correct the errors and effect compliances and upon such compliances being effected, the DINs of the petitioners shall stand reactivated forthwith.

7. These Writ Petitions are ordered as above. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

Jeni/Svn

To

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

2.The Registrar of Companies,
Tamil Nadu, Chennai,
Block No.6, B Wing 2nd Floor,
Shastri Bhavan 26,
Haddows Road,
Chennai - 600006.

+4cc to Mr.P.Subba Reddy, Advocate SR.No.17334, 17335

W.P.Nos.3188 and 3191 of 2022

GPL(CO)

CB(01/04/2022)