WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.06.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.15520 of 2022
and
W.M.P.Nos.14690 and 14691 of 2022

Krishnamoorthy Gayathri
(DIN: 03482357)
1/222, Near G.H., Nallur
Paramathi velur Tk, Nallur,
Namakkal, Tamil Nadu - 637 203. .. Petitioner

-Vs-

1. Union of India,
represented by tis Ministry of Corporate Affairs,
Shastri Bhawan, Dr.Rajendra Prasad Road,
New Delhi - 110 001.

2. Registrar of Companies,
Coimbatore, Tamil Nadu,
Stock Exchange Building,
II Floor, 683, Trichy Road,
Singanallur,
Coimbatore - 641 005. .. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent relating to the impugned order dated 01.11.2018 uploaded in the website of the 1st respondent insofar as the petitioner herein is concerned and quash the same as illegal, arbitrary and devoid of merit and consequently direct the respondents herein to permit the petitioner to use his Director Identification Number and to act as Director of any existing Company or to be appointed as a Director in any new company.

For Petitioner : Mr.Dhanaram Ramachandran

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

For Respondent : Mrs.A.Anuradha
Central Government Standing Counsel

O R D E R

This Writ petition has been filed challenging the disqualification of the petitioner as a Director under Section 164(2) of the Companies Act. The impugned order is dated 01.11.2018. The petitioner has challenged the impugned order on the ground that no notice was issued to her prior to her disqualification as a Director. The Director Identification No.03482357 has also been deactivated/suspended under the impugned order without affording any opportunity of hearing to the petitioner.

2. The issue raised in this writ petition is covered by the decision of the Division Bench of this Court in Meetgelaveetil Kaitheri Mudalidharan vs Union of India & another dated 09.10.2020 in W.A.No.569, 718, 720, 721, 841 and 842 of 2020. In the said Division Bench judgement, the same issue was involved where notice was not issued to the Director prior to his/her disqualification. The Hon'ble Division Bench set aside the disqualification order and passed the following order.

> "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 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."

3. The petitioner in the instant case is similarly placed. Therefore, the order of the Division Bench referred to supra also applies to this case also and similar direction needs to be issued in favour of the petitioner also by this Court. Accordingly, the impugned order dated 01.11.2018 passed by the 2nd respondent, uploaded and hosted on the website of the 1st respondent insofar as the petitioner herein is concerned, is quashed. The status of disqualification under Section 164(2) against the Director Identification DIN No.03482357 is declared to be arbitrary, illegal and devoid of merits and this Writ Petition is allowed as prayed for. However, it is made clear

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

that it is open to the respondents to initiate fresh action with regard to the petitioner's disqualification subject to holding an enquiry and to decide the question of attribution of default committed by her. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsi

To

1. Union of India,
represented by tis Ministry of Corporate Affairs,
Shastri Bhawan, Dr.Rajendra Prasad Road,
New Delhi - 110 001.

2. Registrar of Companies,
Coimbatore, Tamil Nadu,
Stock Exchange Building,
II Floor, 683, Trichy Road,
Singanallur,
Coimbatore - 641 005.

+1cc to M/s.D.R. Law Chambers, Advocate, S.R.No.38698

W.P.No.15520 of 2022

SJ(CO)
CT/05/07/2022

https://hcservices.ecourts.gov.in/hcservices/