

THE HON'BLE Dr. JUSTICE G. RADHA RANI

WRIT PETITION No.22985 OF 2022

ORDER:

This writ petition is being disposed of at the admission stage with the consent of learned counsel for the respective parties.

This writ petition is filed seeking the following relief:

“.... to issue any appropriate writ, order or any other proceedings, more particularly, in the nature of a Writ of Mandamus declaring the action of the Respondents in disqualifying the Petitioner invoking Section 164(2) (a), as arbitrary, illegal, contrary to the principles of natural justice in violation of the provisions of the Companies Act, 2013 and in contravention of the rights guaranteed under Article 14 and Article 19 (1) of the Constitution of India and consequently, direct the Respondents to restore the DIN No.06923802 of the Petitioner and pass.....”

The petitioner challenges his disqualification from Directorship under Section 164(2) of the Companies Act, 2013, for the alleged default in filing Financial Statement/Annual Returns, and consequently seek restoration of his Director Identification Number (DIN) No.06923802.

2. Learned counsel for the petitioner submits that the issue raised in the present Writ Petition is squarely covered by the common order dated 18.07.2019 in W.P.No.5422 of 2018 and batch.

Learned Standing Counsel for the 2nd respondent - Registrar of Companies does not dispute the aforesaid submission.

Operative portion of the aforesaid order reads as under:

“For the foregoing reasons, the impugned orders in the writ petitions to the extent of disqualifying the petitioners under Section 164(2)(a) of the Act and deactivation of their DINs, are set aside, and the 2nd respondent is directed to activate the DINs of the petitioners, enabling them to function as Directors other than in strike off companies.

It is made clear that this order will not preclude the 2nd respondent from taking appropriate action in accordance with law for violations as envisaged under Section 164(2) of the Act, giving the said provision prospective effect from 01.04.2014 and for necessary action against DIN in case of violations of Rule 11 of the Rules.

It is also made clear that if the petitioners are aggrieved by the action of the respondents in striking off their companies under Section 248 of the Act, they are at liberty to avail alternative remedy under Section 252 of the Act.

All the writ petitions are accordingly allowed to the extent indicated above.”

In view of the said order dated 18.07.2019 and for the reasons recorded therein, this Writ Petition is also allowed in terms thereof. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

Dr. G. RADHA RANI, J

April 29, 2022
KTL