

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.30125 OF 2022

ORDER:

Mr. M. Ajaybabu, learned counsel for the petitioner, submits that subject matter of this writ petition is squarely covered by a common order of this Court in W.P. No.11434 of 2021 and batch dated 05.08.2021, as such, this writ petition may be disposed of in terms thereof.

Recording the aforesaid submission of the learned counsel for the petitioner, following the aforesaid order dated 05.08.2021 in W.P. No.11434 of 2021 and batch, this writ petition is allowed and disqualification of the petitioner under Section 164(2)(a) of the Companies Act 2013 and deactivation of his DINs are set aside, and consequently respondent No.2 is directed to activate the DIN of the petitioner enabling him to function as Director other than in strike off companies. It is made clear that this order will not preclude respondent No.2 from taking appropriate action in accordance with law for violations as envisaged under Section 164(2) of the Companies Act 2013 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 petitioner is aggrieved by the action of the respondents in striking off his companies under Section 248 of the Companies act, he is at liberty to avail alternative remedy under Section 252 of the Companies Act 2013. The common order dated 05.08.2021 in W.P. No.11434 of 2021 and batch shall be annexed to this order. No order as to costs.

As a sequel thereto, miscellaneous application, if any, pending in the writ petition stand closed.

B. VIJAYSEN REDDY, J

July 21, 2022.

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