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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 521 OF 2018

SAVIO ANTONIO MANUELINHO
FERNANDES

... PETITIONER

Versus

THE UNION OF INDIA, THR.
MINISTRY OF CORPORATE
AFFAIRS AND ANR.

... RESPONDENTS

Mr. A. D. Bhohe with Ms. A. Fernandes, Advocates for the
Petitioner.

Mr. Raviraj Chodankar, Central Government Standing
Counsel for Respondent Nos. 1 and 2.

WITH

WRIT PETITION NO. 481 OF 2018

PAWAN KUMAR AGARWAL

... PETITIONER

Versus

UNION OF INDIA, THR.
MINISTRY OF CORPORATE
AFFAIRS AND ANR.

... RESPONDENTS

Mr. Nilay Naik, Advocate for the Petitioner.

Mr. Raviraj Chodankar, Central Government Standing
Counsel for Respondent Nos. 1 and 2.

WITH

WRIT PETITION NO. 278 OF 2018

DR. SANDIP KUMAR MUKHOPADHYAY.

REP BY INTS CONST. ATT.

SANTANU SANYAL

... PETITIONER

Versus

UNION OF INDIA, THR.

MINISTRY OF CORPORATE

AFFAIRS, NEW DELHI AND ANR. ... RESPONDENTS

Mr. Nilay Naik, Advocate for the Petitioner.

Mr. Raviraj Chodankar, Central Government Standing
Counsel for Respondent Nos. 1 and 2.

WITH

WRIT PETITION NO. 277 OF 2018

DR. DIYA BASU REP. BY ITS

CONST. ATTORNEY

SANTANU SANYAL

... PETITIONER

Versus

UNION OF INDIA, THR.

MINISTRY OF CORPORATE

AFFAIRS NEW DELHI AND ANR. ... RESPONDENTS

Mr. Nilay Naik, Advocate for the Petitioner.

Mr. Raviraj Chodankar, Central Government Standing
Counsel for Respondent Nos. 1 and 2.

WITH

WRIT PETITION NO. 391 OF 2018

MADELINE PEREIRA ... PETITIONER

Versus

UNION OF INDIA, THR.
MINISTRY OF CORPORATE
AFFAIRS NEW DELHI AND ANR ... RESPONDENTS

Mr. Shivan Desai with Ms. T. Menezes, Advocates for the
Petitioner.

Mr. Raviraj Chodankar, Central Government Standing
Counsel for Respondent Nos. 1 and 2.

WITH

WRIT PETITION NO. 522 OF 2018

SRIPARNA PAL, REP. BY
HIS ATTORNEY, SAVIO
ANTONIO MAUELINHO
FERNANDES ... PETITIONER

Versus

THE UNION OF INDIA, THR.
MINISTRY OF CORPORATE
AFFAIRS AND ANR. ... RESPONDENTS

Mr. A. D. Bhoje with Ms. A. Fernandes, Advocates for the
Petitioner.

Mr. Raviraj Chodankar, Central Government Standing
Counsel for Respondent Nos. 1 and 2.

WITH

WRIT PETITION NO. 456 OF 2018

JAGDEEP YESHWANTRAO
CHOWGULE

... PETITIONER

Versus

UNION OF INDIA, THR.
MINISTRY OF CORPORATE
AFFAIRS AND ANR.

... RESPONDENTS

Mr. Shivan Desai with Ms. T. Menezes, Advocates for the
Petitioner.

Mr. Raviraj Chodankar, Central Government Standing
Counsel for Respondent Nos. 1 and 2.

WITH

WRIT PETITION NO. 523 OF 2018

PRANAB KUMAR PAL REP. BY
HIS ATTORNEY SAVIO
ANTONIO MAUELINHO
FERNANDES

... PETITIONER

Versus

THE UNION OF INDIA, THR.
MINISTRY OF CORPORATE
AFFAIRS AND ANR.

... RESPONDENTS

Mr. A. D. Bhohe with Ms. A. Fernandes, Advocates for the
Petitioner.

Mr. Raviraj Chodankar, Central Government Standing
Counsel for Respondent Nos. 1 and 2.

WITH

WRIT PETITION NO. 511 OF 2018

SANJEEV PADMANATH
KAMAT TARKAR

... PETITIONER

Versus

UNION OF INDIA, THR.
MINISTRY OF CORPORATE
AFFAIRS AND ANR.

... RESPONDENTS

Mr. Shivan Desai with Ms. T. Menezes, Advocates for the
Petitioner.

Mr. Raviraj Chodankar, Central Government Standing
Counsel for Respondent Nos. 1 and 2.

WITH

WRIT PETITION NO. 512 OF 2018

VISHNU KAMAT TARKAR

... PETITIONER

Versus

UNION OF INDIA, THR.
MINISTRY OF CORPORATE

AFFAIRS AND ANR.

... RESPONDENTS

Mr. Shivan Desai with Ms. T. Menezes, Advocates for the Petitioner.

Mr. Aviram Choptank, Central Government Standing Counsel for Respondent Nos. 1 and 2.

WITH

WRIT PETITION NO. 42 OF 2019

GAURAV GUPTA

... PETITIONER

Versus

UNION OF INDIA, THE.
MINISTRY OF CORPORATE
AFFAIRS NEW DELHI AND ANT. ... RESPONDENTS

Mr. S. M. Singbal, Advocate for the Petitioner.

Mr. Raviraj Chodankar, Central Government Standing Counsel for Respondent Nos. 1 and 2.

**CORAM:- M. S. KARNIK &
VALMIKI MENEZES, JJ.**

DATED :- 24th JUNE, 2024.

P.C.:

1. Heard learned Counsel.

2. Learned Counsel for the Petitioners invited our attention to the Companies Act, 2013 and submitted that the impugned order is not in consonance with the provisions of Section 164. However, we find that the challenge in the Petition to the disqualification as Director of Companies is rendered academic by efflux of time. In view of the provisions of Section 164(2), the Petitioners are eligible to be re-appointed as Directors as the disqualification period of five years from the relevant date is over. There is no dispute that presently the Petitioners are eligible to be re-appointed as Director of any company. In fact it is the submission of the learned Counsel Shri Chodankar for the Respondent Nos. 1 and 2 that many of the Petitioners are re-appointed as Directors.

3. An apprehension is expressed by the learned Counsel for the Petitioners that though they are now eligible to be re-appointed as Directors, however, in view of the Director Identification Number (DIN) which is deactivated as a consequence of the impugned order, the Petitioner may face some difficulty in re-activating the DIN.

4. We feel that such an apprehension is unfounded in view of the provisions of Section 164(2) which specifies the eligibility of the Petitioners to be re-appointed as Director of

that company or appointed in another company after a period of five years.

5. In any case, Shri Chodankar, learned Counsel, on instructions, states that upon an application made in the prescribed form (which includes e-form), the DIN will be re-activated.

6. Keeping open all legal challenges raised in these Petitions, liberty to apply for revival of the Petitions in case of any difficulty.

7. The Petitions stands disposed of. No costs.

VALMIKI MENEZES, J.

M. S. KARNIK, J.