



2026:DHC:1998



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 14/2021 and CM APPL. 49/2021**Date of Decision: **26.02.2026****IN THE MATTER OF:****PREETY KUMAR & ORS.**

.....Petitioners

Through: **Mr. Raghav Sabharwal and Ms. Avni Sharma, Advocates.**

versus

UNION OF INDIA

.....Respondent

Through: **Mr. Jivesh Kumar Tiwari, CGSC, Ms. Nandini Aggarwal and Ms. Samiksha, Advocates for UOI.
Mr. Rahul Sangwan, Advocate for R-2.****CORAM:****HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****J U D G E M E N T****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The petition seeks for the following relief:

*“(i) Issue a writ of Certiorari or any other appropriate writ, order or direction quashing the Notice dated September 29, 2020, under section 206(4) of the Companies Act, 2013 and the summoning Order dated December 28, 2020, under section 207 (3)(b) of the Companies Act, 2013, issued by Respondent through Dy. Registrar of Companies, Ms. Kamna Sharma, and any other proceeding including the proceeding dated October 19, 2020, by the RoC, Delhi; or in the alternative,
(ii) Issue a writ of mandamus or any other appropriate writ, order or direction to Respondent to defer the proceeding arising out of the Respondent's Notice dated September 29, 2020 till the decision in the*

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Company Petition being 146/241-242/ND/2020 titled Atul Kumar vs. Amrop International Private Limited & Ors. (“Company Petition”) before the Hon’ble National Company Law Tribunal, Delhi, and the Civil Suit No. 1546/2019 titled Preety Kumar vs Atul Kumar & Ors. pending before the Civil Judge, Gurugram.”

2. The facts of the case would indicate that the petitioners and the other family members had a dispute resulting in various proceedings being filed against each other, including proceedings before the National Company Law Tribunal (‘NCLT’) and a civil suit, wherein interim orders have been passed including in relation to the transaction which was sought to be investigated by respondent no. 1 by way of the Impugned Show Cause Notice dated 29.09.2020 (hereinafter “SCN”).
3. It is the case of Mr. Raghav Sabharwal, learned counsel for the petitioners that all the disputes have been now settled between the parties. The submissions of Mr. Sabharwal, therefore, is that at this point of time, the respondent may not be required to go into the detailed facts and circumstances, and on the basis of the subsequent development itself, the SCN can be withdrawn. Mr. Sabharwal, also places reliance on a compounding order dated 30.09.2025 passed by the Regional Director of Registrars of Companies (‘RoC’) accepting compounding of certain non-compliance.
4. In light of the submissions made by the counsel for the petitioners, Mr. Jivesh Kumar Tiwari, learned counsel for the respondent-Union of India submits that the petitioners be allowed to file a detailed reply to the SCN and the RoC, upon due examination, will conclude the proceedings and send a report to the Government of India in terms of the Section 208 of the Companies Act, 2013 (hereinafter “**said Act**”).

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5. If the Government of India is satisfied that at this point of time no further action is contemplated, a necessary order shall be passed.
6. In view of the aforesaid, the Court deems it appropriate to dispose of the instant petition with the following directions:
- Let the petitioner to furnish a detailed reply to the SCN within a period of 30 days from today, wherein it shall be at liberty to put forth all submissions and arguments;
 - On receipt of the reply to the SCN, let the RoC to conclude its proceedings and send a report to the Government of India in terms of the Section 208 of the Act, 2013 within a period of four months from the date of receipt of the reply from the petitioner;
 - If the Government of India intends to proceed against the petitioner and pass an adverse order to that effect, the order shall not be given effect to for a period of 15 days, to enable the petitioner to take appropriate recourse in accordance with law; and;
 - Till the aforesaid order is passed by the Government of India, no coercive steps be taken against the petitioner as directed by this Court *vide* its Order dated 04.01.2021.
7. Reserving all rights and contentions in favour of the parties, the present petition, along with pending application, stands disposed of.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

FEBRUARY 26, 2026
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