

(2018) 02 DEL CK 0614

In the Delhi High Court

Case No : Civil Writ Petition No. 1790 Of 2018, Civil Miscellaneous Application
No. 7393, 7394 Of 2018

Anil Kumar Goel & Anr

APPELLANT

Vs

Union Of India & Anr

RESPONDENT

Date of Decision : 26-02-2018

Acts Referred:

Companies Act, 2013 — Section 248(2)

Citation : (2018) 02 DEL CK 0614

Hon'ble Judges : Rajiv Shakdher, J

Bench : Single Bench

Advocate : Saurabh Kalia, Siddhartha Nagpal, Manish Mohan, Manish Saroha,
Shubham Pundir

Final Decision : Disposed Of

Judgement

Rajiv Shakdher, J

1. Issue notice. Mr. Manish Mohan, Advocate accepts notice on behalf of the respondents. Counsel for the petitioners says that the issue which arises

in the present writ petition is similar to the issue which was dealt with by another Single Judge of this Court via judgment dated 21.12.2017, passed in

W.P.(C)1275/2017, titled: Harpreet Singh Batra and Anr. v. Union of India and Ors.

2. In view of this submission, I am of the view that filing of the counter affidavit will not serve any purpose. It is especially so as the stand taken by

the respondents in that matter is no different of the stand of the respondents taken in the present matter.

3. Briefly, the facts which obtained in this case are as follows. The petitioners were appointed to the Board of the company by the name of Space

Graphics Pvt. Ltd. (in short 'SGPL'). Since SGPL failed to file its financial statements and requisite annual returns for a period of three years, its

name was removed from the Register of Companies. This led to the petitioners' name being put in the list of disqualified directors. The list is

appended as Annexure P-1. The petitioners claim that they were not issued any notice prior to their names being included in the list of disqualified

directors for financial years 2014-16.

4. Furthermore, the petitioner no.1 claims that he is a director in other companies apart from SGPL, which are active and fully functional. The

submission is that insofar as petitioner no.1 is concerned, the inclusion of his name in the impugned list has impacted his role as director Vis-a-vis those

companies which are active and fully functional.

5. De hors the above, the petitioners wish to take benefit of the directive issued by this Court in Harpreet Singh Batra (supra). In line with the

directives contained in the said judgment, the petitioners say that they will approach respondent no.2/ROC for having the name of SGPL removed from

the Register of Companies by taking recourse to Section 248 (2) of the Companies Act, 2013. Furthermore, the petitioners also submit that they would

like to avail the benefit of Condonation of Delay Scheme, 2018 (in short 'the scheme').

6. Having regard to the assertions made by the counsel for the petitioners and the directives contained in Harpreet Singh (supra), this writ petition is

disposed of with the following directions: -

(i) That the directives contained in Harpreet Singh (supra) will apply mutatis mutandis to the petitioners as well;

(ii) The petitioners will take requisite steps under Section 248 (2) of the Companies Act, 2013 and the scheme within a period of two weeks from

today;

(iii) Pending disposal of the petitioners' request, the operation of the impugned list (i.e. Annexure P-1) insofar as the petitioners is concerned shall

remain stayed till 31.3.2018 or till such time their request is disposed of whichever is later; and

(iv) Lastly, to facilitate this exercise, the respondents will reactivate the petitioners' DIN and DSC. This of course, will be subject to the

petitioners' sticking to the timeline indicated above.

7. Writ Petition is disposed of in the above terms.

8. No costs.