

(2018) 02 DEL CK 0662

In the Delhi High Court

Case No : Civil Writ Petition No. 1960 Of 2018, Civil Miscellaneous Application No. 8093, 8094 Of 2018

Azad Kumar Bhura

APPELLANT

Vs

Union Of India And Anr.

RESPONDENT

Date of Decision : 28-02-2018

Acts Referred:

Companies Act, 2013 — Section 248(2)

Citation : (2018) 02 DEL CK 0662

Hon'ble Judges : Rajiv Shakdher, J

Bench : Single Bench

Advocate : Amit Goel, Ashim Sood, Payal Chandra

Final Decision : Disposed Of

Judgement

Rajiv Shakdher, J

CM APPL.8094/2018 (exemption)

Allowed, subject to all just exceptions.

W.P. (C) 1960/2018, CM APPL.8093/2018 (stay)

1. Issue notice. Mr. Ashim Sood, who appears for respondents, accepts notice.

1.1. Learned counsel for the petitioner says that the issue which arises for consideration in this case is covered by the judgment of another Single

Judge of this Court dated 21.12.2017, passed in W.P.(C)11381/2017 titled: Sandeep Singh & Anr. v. Registrar of Companies & Ors. This aspect is not

disputed by the counsel for the respondents. Therefore, waiting for a counter affidavit would serve no purpose as the stand of the respondents is the

same as in Sandeep Singh & Anr. (supra).

2. It is the case of the petitioner that he was appointed as Director on the Board

of the Company by the name Choice Buildhome Pvt. Ltd. (for short CBH). The name of CBH was struck off from the Register of Companies on account of failure to file the requisite financial statements and annual returns.

2.1 Furthermore, the petitioners submitted that CBH could not carry out business in 2013-2014.

3. Besides this, I am informed that the petitioner is also a Director on the Boards of the following company, which is active and functional:

3.1 Counsel for the petitioner says that since petitioner's name was included in the impugned list of disqualified directors for the financial years

2014-16, his role as a Director is impeded insofar as the other company is concerned which are active and running.

3.2 Counsel for the petitioner says that since the petitioners do not wish to revive (CBH), they would take steps under Section 248 (2) of the Companies Act, 2013 in consonance with the directives contained in Sandeep Singh (supra).

3.3 Furthermore, counsel for the petitioner says that the petitioners would also like to avail the benefit of the Condonation of Delay Scheme, 2018.

4. Having regard to the assertions made in the petition and the records which are presently available with me, I am of the view that this petition can be disposed of with the direction that respondents will follow the directives contained in Sandeep Singh (supra). It is made clear that the directives contained therein will apply to the petitioner mutatis mutandis.

4.1 The petitioner will, however, take steps both in consonance with the provisions of Section 248 (2) of the Companies Act, 2013 and under the Condonation of Delay Scheme, 2018 within a period of two weeks from today.

4.2 In order to facilitate this exercise, operation of the impugned list, insofar as it concerns the petitioner, will remain stayed till 31.3.2018 or, till such time the respondents take requisite decision with regard to the request of the petitioner made to them in consonance with the provisions under Section 248 (2) of the Companies Act, 2013 and under the Condonation of Delay Scheme, 2018.

4.3 Needful will be done by the petitioner within two weeks from today. In addition thereto, for the moment, respondent no.2/Registrar of Companies will also activate the petitioners DIN and DSC.

5. Consequently CM APPL.8093/2018 shall stand closed.

6. Dasti.