

(2018) 02 DEL CK 0610

In the Delhi High Court

Case No : Civil Writ Petition No. 1808 Of 2018, Civil Miscellaneous Application
No. 7417, 7418 Of 2018

Gagandeep Singh And Anr

APPELLANT

Vs

Union Of India & Anr

RESPONDENT

Date of Decision : 26-02-2018

Acts Referred:

Companies Act, 2013 — Section 242(2)

Citation : (2018) 02 DEL CK 0610

Hon'ble Judges : Rajiv Shakdher, J

Bench : Single Bench

Advocate : Chinmoy Pradip Sharma, Sayan Ray, P.S. Singh, Annu Singh

Final Decision : Disposed Of

Judgement

Rajiv Shakdher, J

CM No.7418/2018 (exemption)

1. Allowed subject to just exceptions.

W.P.(C) 1808/2018 & CM No.7417/2018

2. Issue notice. Mr. P.S. Singh accepts notice on behalf of the respondents.

3. Learned counsel for the petitioners says that the issue which arises in the present writ petition is similar to the issue which arose in an order

rendered on 21.12.2018, passed by another Single Judge of this court in WP(C) No.11307/2017, titled: Raman Nanda vs. Union of India & Ors.

4. Counsel for the petitioners says that petitioners wish to take the benefit of the directives contained in the said order.

5. Counsel for the respondents having disputing the fact that the broad stand which the department wishes to take in the present writ petition would be

the same which had been taken in the matter of Raman Nanda's case.

6. Broadly, the facts which arise in the present writ petition are as follows:

6. 1 Petitioners were appointed as Director on the board of the Company by the name of GGK Properties and Securities Private Limited. Petitioners

averred that they have not filed their financial statements and requisite annual returns since inspection. It is because of this reason that the

petitioners' names were included in the list of disqualified Directors for the financial years 2014 to 2016.

6.2 Learned counsel for the petitioners says that no notice was issued to the petitioners prior to inclusion of their names in the impugned list.

7. De hors this submission, it is the contention of petitioners that they wish to take the benefits of provisions of Section 242(2) of the Companies Act,

2014 (in short the Act) and condonation of delay scheme, 2018 (in short the Scheme).

8. It is thus contended that the directions similar to those obtaining in Raman Nanda's case will be applied qua the petitioners. Having regard to

the submission made by counsel for the parties and the record which has been obtained before me, I am inclined to disposed of the writ petition with

the following directions:

(i) That the directives contained in Raman Nanda's case would apply mutatis mutandis to the petitioner's case.

(ii) The petitioner will take recourse to provisions of Section 242(2) of the Act within two weeks from today. Likewise, the petitioners will take

appropriate steps to avail of the benefits of the Scheme within a period of two weeks.

(iii) Pending the consideration of the petitioners' request, the operation of the impugned list qua the petitioners will remain stayed till 31.3.2018 or

till such time the request is disposed of, whichever is later.

(iv) Lastly, in order to facilitate this exercise, the petitioners' DIN and DSC shall be activated.

9. No costs.