

(2018) 03 DEL CK 0383

In the Delhi High Court

Case No : Civil Writ Petition No. 2151 Of 2018, Civil Miscellaneous Application No. 8907, 8908 Of 2018

Gulab Singh Tanwar & Anr

APPELLANT

Vs

Union Of India And Anr

RESPONDENT

Date of Decision : 09-03-2018

Acts Referred:

Companies Act, 2013 — Section 252(1)

Citation : (2018) 03 DEL CK 0383

Hon'ble Judges : Rajiv Shakdher, J

Bench : Single Bench

Advocate : Sandeep Bisht, Aditya Dhar, Shiva Lakshmi

Final Decision : Disposed Of

Judgement

Rajiv Shakdher, J

CM APPL.8908/2018

1. Allowed, subject to all just exceptions.

W.P.(C) No.2151/2018 & CM No.8907/2018

2. Issue notice. Mrs. Shiva Lakshmi, who appears for respondent No.1 and 2, accepts notice.

3. Counsel for the petitioners says that issue raised in the present writ petition is similar to the issue which arose before a Division Bench of this Court in W.P.(C) No.2151/2018, titled: Prem Prakash Sethi and Anr. v. Union of India and Anr.

4. Copy of order dated 10.01.2018, passed in Prem Prakash Sethi and Anr. v. Union of India and Anr. has been placed before me. To be noted, the said order was passed in WP(C) No. 126/2018.

5. In view of the situation obtaining, the counsels submit that the writ petition can be disposed of at this stage itself.

6. Briefly, the facts obtaining in this case are as follows:-

(i) The petitioners' names were included in the list of disqualified directors for the financial years 2012-2014 as the company qua which they were appointed as directors, i.e. Blue Waters Motion Pictures Private Limited (in short "BWMP") and Saras Aviation Private Limited (in short "SAPL") had their names struck off from the Register of Companies.

(ii) It appears that because of this reason, the names of both the abovementioned companies were struck off from the Register of Companies. Counsel for the petitioners says that the petitioners wish to revive BWMP & SAPL, and for that purpose, has lodged an appeal being CP/CA No.347(ND) 2017 with the NCLT under Section 252(1) of the Companies Act, 2013 (herein after "the Act").

(iii) Furthermore, counsel for the petitioners says that the petitioners wish to avail the benefit of the Condonation of Delay Scheme, 2018 (herein after "the Scheme") framed by the respondents. It is in this context that the learned counsel has referred to in Prem Prakash Sethi (supra).

7. Accordingly, the writ petition is disposed of with the direction that the directives contained in Prem Prakash Sethi (supra) will apply mutatis mutandis to the petitioners herein as well.

8. The petitioners will prosecute their appeal with NCLT. The NCLT will endeavour to dispose of the appeal at the earliest given the fact that the Scheme expires on 31.03.2018.

8.1 In case it is not possible for NCLT to dispose of the appeal before the said date for the reasons under the Act, the respondent will, as indicated in Prem Prakash Sethi (supra), extend the tenure of the Scheme.

8.2 Furthermore, in such time, if NCLT disposes of the appeal and a request of the petitioners, if any, made under the Scheme is deliberated upon, the operation of the impugned list (Annexure P1) in so far as it includes the names of petitioners shall remain stayed.

9. It is, however, made clear that the petitioners will have the appeal listed, at the earliest, before the NCLT and make an application under the Scheme expeditiously. The needful will be done by the petitioners within two weeks from today.

10. It is also made clear that the aforesaid order will be subject to the final outcome of the appeals which, I am told, are pending before Division Bench I.

11. No other directions are called for.

12. Writ petition is accordingly disposed of.

13. The pending application stands closed.

14. Dasti.