

(2018) 03 DEL CK 0264

In the Delhi High Court

Case No : Civil Writ Petition No. 2059 Of 2018, Civil Miscellaneous Application No. 8506, 8507 Of 2018

Harjeet Kathuria & Anr

APPELLANT

Vs

Union Of India & Anr

RESPONDENT

Date of Decision : 06-03-2018

Acts Referred:

Companies Act, 2013 — Section 248(2)

Citation : (2018) 03 DEL CK 0264

Hon'ble Judges : Rajiv Shakdher, J

Bench : Single Bench

Advocate : Praveen K. Mittal, P.S. Singh, Annu Singh

Final Decision : Disposed Of

Judgement

Rajiv Shakdher, J

CM APPL.8507/2018 (exemption)

1. Allowed, subject to all just exceptions.

W.P. (C) 2059/2018, CM APPL.8506/2018 (stay)

2. Issue notice. Mr. P.S. Singh who appears for respondents, accepts notice.

2.1. Learned counsel for the petitioners 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).

3. It is the case of the petitioners that they were appointed as Directors on the

Board of the Company by the name Radioshack Electronics Pvt. Ltd.

(“Radioshack”). The name of Radioshack was struck off from the Register of Companies on account of failure to file the requisite financial statements and annual returns.

3.1 Furthermore, the petitioners submitted that Radioshack had not been carrying on business for more than three years.

4. Besides this, I am informed that the petitioners are also Directors on the Boards of the following companies, which are active and functional:

(i) Prime Bizworld Pvt. Ltd.

4.1. Counsel for the petitioners says that since petitioners’ names were included in the impugned list of disqualified directors for the financial years

2014-16, their role as Directors has been impeded insofar as the other companies are concerned, which are active and running.

4.2. Counsel for the petitioners says that since the petitioners do not wish to revive Radioshack, they would take steps under Section 248 (2) of the

Companies Act, 2013 in consonance with the directives contained in Sandeep Singh (supra).

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

5. 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 the respondents will follow the directives contained in Sandeep Singh (supra). It is made clear that the directives

contained therein will apply to the petitioners mutatis mutandis.

5.1 The petitioners 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 ten days from today.

5.2 In order to facilitate this exercise, operation of the impugned list, insofar as it concerns the petitioners, will remain stayed till 31.3.2018 or, till such

time the respondents take requisite decision with regard to the request of the petitioners 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.

5.3 Needful will be done by the petitioners within ten days from today. In addition thereto, for the moment, respondent no.2/Registrar of Companies

will also activate the petitionersâ?? DIN and DSC.

6. Consequently CM APPL.8506/2018 shall stand closed.

7. Dasti.