
(2018) 02 DEL CK 0659

In the Delhi High Court

Case No : Civil Writ Petition No. 844 Of 2018, Civil Miscellaneous No. 3595 Of 2018

Mahender Kumar Khandelwal

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 28-02-2018

Acts Referred:

Companies Act, 2013 — Section 248(2)

Citation : (2018) 02 DEL CK 0659

Hon'ble Judges : Rajiv Shakdher, J

Bench : Single Bench

Advocate : P.K. Mittal, Vikash Mahajan, Shyam Sundar Rai, Deepak Goyal

Final Decision : Disposed Of

Judgement

Rajiv Shakdher, J

1. The report of the Registry is that service qua respondent no.3 is not complete. Respondent no.3 is a company by the name of Three Sixty Degree

Capital Solution Private Limited. This company, as per the master data appended by the petitioner, is registered in Mumbai.

2. Counsel for the petitioner says that the disqualification list, which includes the petitioner's name, refers to only Mitra Marketing Private Limited

(in short "MMPL") and Varrenyam Advisory Services Private Limited (in short "VASPL")

3. Accordingly, a prayer is made that respondent no.3, that is the Registrar of Companies, Mumbai, be deleted from the array of parties. It is stated

that a separate petition will be filed, if necessary before the Bombay High Court for appropriate relief.

4. The prayer made before me by the counsel for the petitioner is accepted.

Respondent no.3 is deleted from the array of parties.

5. Insofar as the present matter is concerned, 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, according time to file a counter affidavit

would serve no purpose as the stand of the respondents is no different than that which was taken in Sandeep Singh & Anr. (supra).

6. The case of the petitioner briefly is that he was appointed on the Board of MMPL and VASPL. It is contended that since the financial statements

and requisite annual returns were not filed since 2007, names of these companies were struck off from the register of companies.

7. Consequent thereto, as per the record placed before me, the petitioner's name came to be included on the list of Directors disqualified for the

financial years 2014 to 2016.

8. It is the contention of learned counsel for the petitioner that the petitioner wishes to take recourse to the provision of Section 248(2) of the

Companies Act, 2013 (in short the Act)

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

short the Scheme).

10. The submission being that the petitioner will take steps to have MMPL and VASPL struck off from the Register of Companies. In this behalf,

learned counsel for the petitioner seeks to place reliance on the directives contained in the judgment of another Single Judge of this court in Sandeep

Singh & Anr. (supra).

11. I have heard learned counsels for the petitioner as well as counsel for the respondent no.1 and 2

12. 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 mutatis mutandis to the petitioner as well.

13. The petitioner will, however, take steps both in consonance with the provisions of Section 248 (2) of the Companies Act, 2013 and under the

Scheme within a period of two weeks from today.

14. In order to facilitate this exercise, operation of the impugned list (Annexure P-1), 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 Scheme.

15. In addition thereto, for the moment, respondent no. 1/Registrar of Companies will also activate the petitioner's DIN and DSC.

15.1 Needless to say, this leeway is given to the petitioner so that he can take corrective measures as indicated, albeit, within the time line set forth

above.

16. The writ petition and pending application are disposed of in the aforementioned terms.

17. No costs.

18. Dasti.