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**(2018) 03 DEL CK 0277**

**In the Delhi High Court**

**Case No :** Civil Writ Petition No. 2044 Of 2018, Civil Miscellaneous Application No.8430, 8431 Of 2018

Manoj Gupta

APPELLANT

Vs

Union Of India & Anr

RESPONDENT

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**Date of Decision :** 06-03-2018

**Acts Referred:**

Companies Act, 2013 — Section 248(2)

**Citation :** (2018) 03 DEL CK 0277

**Hon'ble Judges :** Rajiv Shakdher, J

**Bench :** Single Bench

**Advocate :** Rajiv Sharma, Bharathi Raju, Rohit Saroj

**Final Decision :** Disposed Of

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## Judgement

Rajiv Shakdher, J

CM APPL.8431/2018 (exemption)

1 Allowed, subject to all just exceptions.

W.P. (C) 2044/2018, CM APPL.8430/2018 (stay)

2. Issue notice. Mrs. Bharathi Raju, CGSC who appears for respondents, accepts notice.

2.1 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).

3. It is the case of the petitioner that he was appointed as Director on the Board of the Company by the name Ukuya India Pvt. Ltd. (â??Ukuyaâ?).

The name of Ukuya 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 petitioner submitted that Ukuya had not been carrying on business since its incorporation.

4. Besides this, I am informed that the petitioner is also a Director on the Board of Grid Infocom Pvt. Ltd. which is active and functional.

4.1. Counsel for the petitioner says that since the petitionerâ??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 is active and running.

4.2. Counsel for the petitioner says that since the petitioner does not wish to revive Ukuya, he 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 petitioner says that the petitioner 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 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.

5.1 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 ten days from today.

5.2 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 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 petitioner within ten days from today. In addition thereto, for the moment, respondent no.2/Registrar of Companies will

also activate the petitioners DIN and DSC.

6. Consequently CM APPL.8430/2018 shall stand closed.

7. Dasti.