

**(2021) 01 DEL CK 0154**

**In the Delhi High Court**

**Case No :** Civil Writ Petition No. 725 Of 2021, Civil Miscellaneous Application No. 1799, 1800 Of 2021

Mohammad Mokaram

APPELLANT

Vs

Union Of India & Anr.

RESPONDENT

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**Date of Decision :** 18-01-2021

**Acts Referred:**

Companies Act, 2013 — Section 164(2)(a), 252

**Citation :** (2021) 01 DEL CK 0154

**Hon'ble Judges :** Prathiba M. Singh, J

**Bench :** Single Bench

**Advocate :** Shubham Jaiswal, Rajendra Sahu

**Final Decision :** Disposed Of

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## **Judgement**

Prathiba M. Singh, J

1. This hearing has been done by video conferencing.
2. The Petitioner is a director in the following six companies:
  - a) L M Technobuild Private Limited;
  - b) The Silkote Tea Company Limited
  - c) Sunshine Tea Processing Co. Private Limited;
  - d) Sunshine Global Education Limited;
  - e) Bluestone Dealtrade Private Limited;
  - f) Hope All Infoline Private Limited
3. LM Technobuild Private Limited was struck off from the Register of Companies, due to alleged non-compliance/default in LM Technobuild Private Limited under Section 164(2)(a) of the Companies Act, 2013 i.e., non-filing of

financial statements or annual returns for any continuous period of three financial years. The Petitioner was also disqualified as a director from 1st November, 2016 to 31st October, 2021 and his DIN and DSC were de-activated.

4. The submission of Id. counsel for the Petitioner is that LM Technobuild Private Limited has been restored vide order dated 7th January, 2021

passed by the NCLT, Delhi. He relies on the `Scheme for condonation of delay for companies restored on the Register of Companies between 1st

December, 2020 and 31st December, 2020` under Section 252 of the Companies Act, 2013, dated 15th January, 2021, to submit that the DIN and

DSC of the Petitioners be reactivated. As per the said Scheme, considering that various NCLT benches have restored a number of companies which

were struck off, during the period 1st December to 31st December 2020, but the said companies were unable to avail of the benefit of the Companies

Fresh Start Scheme, 2020 and file their documents in time, the time for filing any overdue forms has been extended till 31st March 2021. No additional

fees would be payable for all such companies to whom the scheme is applicable.

5. In the present case, arguments were stated to have been heard and reserved for orders by the NCLT, Delhi on 24th December, 2020. However,

orders were pronounced only on 7th January, 2021. The company having been restored as per the NCLT's order, the following directions are

issued:

i) The DIN and DSC of the Petitioners be reactivated within a week, in terms of the judgment in *Mukut Pathak & Ors. v. Union of India & Ors.*, 265

(2019) DLT 506.

ii) Though the Scheme of 15th January 2021 is explicitly applicable to companies which were restored prior to 31st December 2020. In the spirit of the

Scheme, as orders were reserved on 24th December 2020, it is held that LM Technobuild Private Limited is entitled to avail of the same as the NCLT

has already passed orders for restoration of the same. It is accordingly permitted to avail of the Scheme notified on 15th January, 2021 and file its

documents in terms of the said Scheme within the time period prescribed in the Scheme.

6. The petition is disposed of in the above terms. All pending applications are also disposed of.

7. The digitally signed copy of the order shall be treated as the certified copy of the order for being filed before the ROC.