

(2018) 02 DEL CK 0617

In the Delhi High Court

Case No : Civil Writ Petition No. 1378 Of 2018, Civil Miscellaneous No. 5733 Of 2018

Puneet Kumar

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 26-02-2018

Acts Referred:

Companies Act, 2013 — Section 248(2)

Citation : (2018) 02 DEL CK 0617

Hon'ble Judges : Rajiv Shakdher, J

Bench : Single Bench

Advocate : Shobhan Mahanti, Shiva Lakshmi, Ruchir Ranjan Rai, Siddharth Singh

Final Decision : Disposed Of

Judgement

Rajiv Shakdher, J

1. Notice in this writ petition was issued on 13.2.2018 when Ms. Shiva Lakshmi, CGSC had entered appearance on behalf of the respondent no.1 & 2.

Ms. Shiva Lakshmi was permitted on that date to file a counter affidavit. Despite the opportunity, no counter affidavit has been filed on behalf of

respondent no.1 & 2. Learned counsel for the petitioner says that the issue which arises for consideration in the present case is similar to the issue

which arose for consideration in W.P.(C)No.11275/2017, titled: Harpreet Singh Batra & Anr. v. Union of India & Ors.

2. A copy of the said order has been furnished in court today. A perusal of the same shows that a learned Single Judge of this Court vide judgment

dated 21.12.2017, passed in W.P.(C)No.11275/2017, has issued certain directions qua the petitioner in view of the case, which the petitioner herein

prays to be applied to this petition.

3. Broadly, the case of the petitioner is that he was appointed as a Director on nine companies, the details of which are given in Annexure-P2,

appended to the instant petition. Learned counsel for the petitioner submits that out of the nine companies referred to, the names of the following two

companies have been struck-off from the Register of Companies :

(i) Vedant Management Services Limited

(i) One Point solution Matrix Private Limited

4. This situation, according to learned counsel for the petitioner came about as the financial statements and requisite annual returns were not filed over

three years. As a result of the same, the name of the petitioner got included in the list of disqualified Directors for the financial years 2014-16. This list

is appended as Annexure-P1. Learned counsel for the petitioner says that no notice was issued to the petitioner prior to inclusion of his name in the

impugned list (i.e., Annexure-P1).

5. It is hence this submission, learned counsel for the petitioner further contends that the inclusion of the name of the petitioner in the impugned list

(i.e., Annexure-P1) has also impacted his role as a Director on the Board of other companies which are active and fully functional.

6. Notwithstanding the above, it is contended on behalf of the petitioner that the petitioner would like to approach the Registrar of Companies for

having the names of the two companies, referred to above, struck-off permanently from the Register of Companies by taking recourse to the

provisions of Section 248 (2) of the Companies Act, 2013.

7. Furthermore learned counsel for the petitioner says that the petitioner would also like to avail the benefits of Condonation of Delay Scheme, 2018

(in short "the scheme"). In support of this submission, as indicated above, the petitioner relies upon the directions contained in Harpreet Singh

Batra & Anr.

8. Having heard learned counsel for the petitioner, I am of the view that this writ petition can be disposed of with the following directions:

(i) Respondent no.1 & 2 will apply the directives contained in Harpreet Singh Batra & Anr. to the petitioner as well.

(ii) It is made clear that the directives contained in Harpreet Singh Batra & Anr. will apply mutatis mutandis to the petitioner.

(iii) Furthermore, the petitioner will take requisite steps, both under Section 248(2) of the Companies Act, 2013 and the Scheme within a period of four weeks from today.

(iv) Pending the request of the petitioner, the operation of the impugned list qua the petitioner will remain stayed till 31.3.2018 or till such time his request is dealt with by respondent no.1 & 2.

(v) Respondent no.1 & 2 will also activate the DIN and DSC of the petitioner.

(vi) Needless to say, the directions will obtain in favour of the petitioner only if the petitioner takes requisite steps within the timeline indicated above.

(vii) No order as to costs.

9. 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.

10. This writ petition and pending application are disposed of the aforementioned terms.

11. Dasti.