

(2018) 03 DEL CK 0167

In the Delhi High Court

Case No : W.P.(C) 10298 Of 2017 and CM No.42013 Of 2017

Rajan Goel

APPELLANT

Vs

Union Of India And Anr

RESPONDENT

Date of Decision : 23-03-2018

Acts Referred:

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

Citation : (2018) 03 DEL CK 0167

Hon'ble Judges : GITA MITTAL;ACJ, C.HARI SHANKAR

Bench : Division Bench

Advocate : Mr. Siddharth Sharma, Ms.Charu Tyagi, Ms. Maninder Acharya, Mr. Akshay Makhija, Ms. Seerat Deep Singh

Final Decision : Allowed

Judgement

1.This writ petition has been filed by the petitioner who was a Director in M/s Royal Hindustan Ltd., a company incorporated and registered under the provisions of the Companies Act.

2.Apart from this company, the petitioner is stated to be a Director in other companies as well.

3.The writ petition has been instituted in view of the notice dated 6th September, 2017 and 12th September, 2017 issued under Section 164(2)

(a) of the Companies Act, 2013 by the respondents disqualifying the petitioner as Director in the company for the reason that there was default in

submitting returns with regard to the affairs of the said company which was statutorily required to be filed with the Registrar of Companies for a

continuous period of three financial years.

4.The writ petition inter alia seeks quashing of the said notices dated 6th September, 2017 and 12th September, 2017.

5.The writ petitioner has stated that on account of differences and disputes with the other Directors, the company had run into difficulty and statutory

compliances in the nature of filing of returns with the Registrar of Companies could not be effected. The proceedings between the petitioner and other

directors in this regard are stated to be pending before the Original Side as well as criminal court of this court.

6.At the time of issuance of notices in the writ petitions, we hadÂ granted interim orders of stay of the said notice dated 6th September, 2017 and

12th September, 2017. Pursuant to the orders passed by this court, the DIN number of the petitioner stands activated.

7.We are today informed by Ms. Maninder Acharya, Id. ASG, on instructions from Mr. Akshay Makhija, Id. CGSC; Mr. Sanjay Shorey, Director

(Legal) for the Union of India and Mr. Rakesh Tiwari, Registrar of Companies that the respondents have verified the above position and accept the

stated position regarding the pendency of matters before the Original Side and criminal court of this court.

8.It is also an admitted position that all these companies are active companies even on date.

9.In view of this position, it is submitted by Ms. Maninder Acharya, on instructions, that the respondents shall remove the petitioner from the list of

disqualified directors.

10.In view of the above, it is directed as follows :

(i)The respondents shall forthwith take steps for removal of the petitionerâ??s name from the list of disqualified directors.

(ii)The orders to this effect would be posted on the website and shall also be communicated to the petitioners within two weeks from today.

11.In view of the above, this writ petition is allowed in the above terms.