

(2018) 03 DEL CK 0168

In the Delhi High Court

Case No : W.P.(C) 2184 Of 2018 and CM No.9029 Of 2018

Sanjeev Kumar And Ors

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 23-03-2018

Acts Referred:

Citation : (2018) 03 DEL CK 0168

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

Bench : Division Bench

Advocate : Mr. Alok Kumar Kuchhal, Mr.Manish Jain, Ms. Chanchal Yadav, Ms. Maninder Acharya, Mr. A.P. Sahay, Ms. J.Priyadarshini

Final Decision : Allowed

Judgement

1.The petitioners were the Directors of Jupiter Information Technologies Private Limited. The Directors of the company had

submitted their resignation to the Board of Directors on 20th November, 2007. However, the Board of Directors failed to file Form 32 with the

Registrar of Companies. The averments to this effect have been made on affidavit.

2.The resignation of the petitioners is supported by the Investor Complaint Form which is made by them on 16th November, 2012 with the

Registrar of Companies wherein also the petitioners had made a grievance regarding non-filing of Form 32 depicting cessation of the petitioners'?

directorship. The Registrar of Companies is not in a position to admit or deny this fact.

3.We therefore, have no option but to accept this statement of fact made on affidavit.

4. At the time of issuance of notices in this writ petition, we had granted interim stay of the impugned notices. As a result the DIN numbers of the petitioners were restored.

5. In this background, the petitioners had ceased to be the Directors of the company, as stated by them, on 20th November, 2007 and could not have been penalized for the failure of the company to effect statutory compliances.

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

(i) The respondents shall forthwith take steps for removal of the petitioner'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 petitioner within two weeks from today.

(iii) It is clarified that this would not preclude the Registrar of Companies from passing a fresh order disqualifying the petitioner, if any material is

found or produced before the ROC to indicate that the petitioner's statement that the petitioner had never consented to act as a Director of the

Company, is false, or any material is produced which establishes that the petitioner had acted as a Director of the Company in any manner.

7. This writ petition is allowed in the above terms.