
(2018) 05 DEL CK 0423

In the Delhi High Court

Case No : W.P.(C) 5922 OF 2018 and CM Nos.23115-16 OF 2018

VIKAS GOEL & ANR

APPELLANT

Vs

UNION OF INDIA & ANR

RESPONDENT

Date of Decision : 29-05-2018

Acts Referred:

Citation : (2018) 05 DEL CK 0423

Hon'ble Judges : Gita Mittal, J;C. Hari Shankar, J

Bench : Division Bench

Advocate : Rishabh Jain, Vikram Jetly

Final Decision : Allowed

Judgement

GITA MITTAL, ACTING CHIEF JUSTICE CM Nos.2115-16/2018 (exemption)

Allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C)5922/2018

1. Issue notice to the respondents as to why rule nisi be not issued.
2. Mr. Vikram Jetly, learned CGSC accepts notice on behalf of respondents.
3. The petitioners were the Directors of Arvee Wires Pvt. Ltd. and had submitted his resignation to the Board of Directors on 8th April, 2011.

However, the Board of Directors failed to take requisite steps for informing the Registrar of Companies. The respondents are not in a position to deny this position.

4. The writ petitioners inter alia seek quashing of the notices dated 6th September, 2017 and 12th September, 2017 issued by the Ministry of Corporate Affairs at New Delhi by way of which they stood disqualified from performing as a

Directors in any company.

5. In this background, as the petitioners had ceased to be the Directors of the Company, as stated by them, on 8th April, 2011 and that they 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 petitioners' name from the list of disqualified directors and to alienate their DIN.

(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.

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

found or produced before the ROC to indicate that the petitioners' statement that the petitioners had never consented to act as the Directors of

the Company, is false, or any material is produced which establishes that the petitioners had acted as the Directors of the Company in any manner.

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

Dasti under signatures of the Court Master.