

(2018) 03 DEL CK 0171

In the Delhi High Court

Case No : W.P.(C) 2437 Of 2018 and CM No.10116 Of 2018

Vivek Khanna

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 23-03-2018

Acts Referred:

Citation : (2018) 03 DEL CK 0171

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. Amit Mahajan

Final Decision : Allowed

Judgement

1.The petitioner was the Director of Crystal Academy Private Limited. The Director of the company had submitted his resignation to the Board of

Directors on 27th March, 2009. However, the Board of Directors failed to file Form 32 with the Registrar of Companies.

2.The writ petitioner inter alia seeks quashing of the notices dated 6th September, 2017 and 12th September, 2017 issued by the Ministry of Corporate Affairs at New Delhi.

3.At the time of issuance of notices in this writ petition, we had granted interim stay of the impugned notices. As a result the DINÂ number of the petitioner was restored.

4.In this background, the petitioner had ceased to be the Directors of the company, as stated by him, on 27th March, 2009 and could not have been penalized for the failure of the company to effect statutory compliances.

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

(i)The respondents shall forthwith take steps for removal of theÂ 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 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 petitionerâ??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.

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

Dasti.