

Naveen Chander Mehta & Anr vs Union Of India & Anr on 3 February, 2021

Author: Prathiba M. Singh

Bench: Prathiba M. Singh

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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 1403/2021 & CM APPLs. 3989/2021, 3990

NAVEEN CHANDER MEHTA & ANR.

Through: Mr. Anurag Sharma. Advocates

versus

UNION OF INDIA & ANR.

Through:

Mr. Ranvir Singh,
(M: 9818071061).

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 03.02.2021

1. This hearing has been done through video conferencing.

2. Petitioner No.1 is a director in the following six companies:

i. JAS Realty LLP ii. Daksh Tradecomm Private Limited iii. JAS Residency Private Limited iv. Central Intelligentsia Estate Trading and Development Private Limited v. JAS Buildtech Limited vi. JAS Softech Private Limited

3. Petitioner No.2 is a director in the following thirteen companies:

i. Sun Agrifresh Industries Private Limited ii. Max Residency Private Limited iii. Daksh Tradecomm Private Limited iv. Jas Residency Private Limited v. Jas Buildtech Limited vi. Rocket Real Estates Private Limited vii. Swaraj Realtors Private Limited viii. Niya Constructions Private Limited ix. Realty Wiz Estates Private Limited x. Openworks Technologies Private Limited xi. Baarbaargain Sales Private Limited xii.

Panash Entertainment Private Limited xiii. Pundir Associates Private Limited

4. JAS Residency Private Limited, Rocket Real Estates Private Limited, Swaraj Realtors Private Limited, Realty Wiz Estates Private Limited, Baarbaargain Sales Private Limited and Panash Entertainment Private Limited, have been struck off from the Register of companies. The said striking off resulted in the disqualification of the Petitioners as directors under Section 164(2) of the Companies Act, 2013 and the deactivation of their DINs/DSCs.

5. Ld. counsel for the Petitioners submits that JAS Softech Private Limited has been restored by the NCLT vide order dated 29 th December, 2020 and there are other active companies also. Accordingly, the reactivation of the Petitioners' DINs/DSCs is sought to enable the Petitioners to file the proper documents for these companies.

6. Ld. counsel appearing for the Respondents submits that the petition has been filed belatedly. He relies upon the judgments of this Court in Anamika Devi v. UOI & Anr. [W.P.(C) 4356/2020, decided on 20th July, 2020] and Gaurav Kumar v. UOI & Anr. [W.P. (C) 4357/2020, decided on 20th July, 2020].

7. Insofar as the issue of delay and laches is concerned, the same has been considered by this Court in Sandeep Agarwal & Anr. v. Union of India & Anr. [W.P.(C)5490/2020, decided on 2nd September, 2020] and Kuldeep v. UOI & Anr. [W.P.(C) 1160/2021, order dated 29 th January, 2021]. Similar orders for restoration have also been passed in Radhika Byrne v. UOI & Anr. [W.P.(C) 5534/2020, decided on 28th December, 2020].

8. Considering the judgment in Mukut Pathak & Ors. v. Union of India & Ors., 265 (2019) DLT 506, the DINs/DSCs of the Petitioners is directed to be reactivated within a period of one week.

9. The petition is disposed of in the above terms. All pending applications are also disposed of.

PRATHIBA M. SINGH, J FEBRUARY 3, 2021 Rahul/T