

# Rajeev Bansal vs Union Of India And Anr on 27 February, 2019

**Author: V. Kameswar Rao**

**Bench: Chief Justice, V. Kameswar Rao**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 2020/2019 & CM APPLs. 9477-78/2019

RAJEEV BANSAL

Through:

Mr. Narendra

..... Petitioner

Mohan

with

Mr. Sameer Srivastava, Advs.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr. Vikram Jetly, CGSC for R-1 &  
2/UOI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% 27.02.2019 CM APPL. 9478/2019 (exemption) Allowed, subject to just exceptions.

W.P.(C) 2020/2019 & CM APPL. 9477/2019

1. This writ petition has been filed by persons who are directors in a company incorporated under the provisions of the Indian Companies Act, 1956.

2. Apart from this company, these petitioners have stated in the writ petition that they were directors in other companies as well.

3. This writ petition has been instituted in view of the list dated 7th December, 2018 published in public domain on the website of Respondent No.1 issued under Section 164(2)(a) of the Companies Act, 2013 by the respondents disqualifying the petitioners as Directors in the Companies wheresoever they may be Directors. This disqualification has resulted for the reason that there was default in submitting returns which were statutorily required to be filed with the Registrar of Companies with regard to the affairs of the Company in question, for a continuous period of three financial years.

4. The writ petition inter alia seeks quashing of the said list dated 7th December, 2018 published in public domain on the website of Respondent No.1 disqualified for the period w.e.f. 1st November,

2017 to 31st October, 2022.

5. The writ petitioners have raised several questions of fact and law challenging these acts and orders of the Registrar of Companies. Inter alia, it has been contended that the action of the Registrar of Companies in disqualifying the petitioners under Section 164(2)(a) is in gross violation of the principles of natural justice.

6. It cannot be denied that the issues raised in this writ petition require adjudication and are of grave importance so far as the working of the spirit, intendment and object of the Companies Act, 2013, more specifically the manner in which the respondents would operate Section 164 of the enactment.

7. Issue notice to the respondents. The learned counsel accepts notice on behalf of the respondents.

8. Till the next date of hearing, there shall be a stay of the list dated 7th December, 2018 published in public domain on the website of Respondent No.1 whereby the petitioners were declared disqualified as Director under Section 164(2)(a) of the Companies Act, 2013.

9. The DIN numbers as well as digital signatures of the petitioners shall be forthwith revived.

10. It also cannot be denied that so far as the legal submissions are concerned, several other writ petitions have raised identical questions of law and for this reason, are required to be heard together.

11. We, therefore, direct that an individual counter affidavit dealing with the factual averments in this writ petition shall be filed separately before the next date of hearing. Rejoinder thereto, if any, shall be filed before the next date of hearing.

12. List on 29th April, 2019.

CHIEF JUSTICE V. KAMESWAR RAO, J FEBRUARY 27, 2019 kks