

Anamika Devi vs Union Of India & Anr on 20 July, 2020

Author: Hima Kohli

Bench: Hima Kohli, Subramonium Prasad

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 4356/2020 and CM APPL.15690-91/2020

ANAMIKA DEVI Petitioner
Through: Mr. Nikhil Verma, Advocate
versus

UNION OF INDIA & ANR.Respondents
Through: Ms. Arti Bansal, Advocate for
UOI.

+ W.P.(C) 4357/2020 and CM APPL.15692-93/2020
GAURAV KUMAR Petitioner
Through: Mr. Nikhil Verma, Advocate

versus

UNION OF INDIA & ANR.Respondents
Through: Mr. Gigi C. George, Advocate for
respondents No.1 and 2/UOI.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD
ORDER

% 20.07.2020 HEARD THROUGH VIDEO CONFERENCING.

1. Both the petitions have been filed by the petitioners praying inter alia that the respondent No.1/Union of India and the respondent No.2/Registrar of Companies be directed not to treat them as "disqualified Directors" under the provisions of Section 164 of Companies Act. Further, the petitioners seek issuance of a writ of mandamus, quashing publication of their names in the List of disqualified Directors, uploaded and published on the website of the respondents in September, 2017. The petitioners also seek directions to the respondents to unfreeze their Director Identification Number (DIN) and Digital signatures certificates thereby enabling them to file the documents and returns on behalf of the companies on which they were serving as Directors.

2. At the outset, we have requested learned counsel for the petitioners to address us on the maintainability of the present petitions in view of the inordinate delay on the part of the petitioners in approaching the court for relief and that too when admittedly, the List of disqualified Directors had been uploaded and published on the website of the respondent No.1 as long back as in September 2017.

3. The only explanation sought to be offered by Mr. Verma, learned counsel appearing for the petitioners is that they were unaware of the publication of the aforesaid List till recently. He however concedes that there is no explanation offered in the petition for the delay.

4. The aforesaid submission is not acceptable. Ignorance cannot bestow any benefit on a litigant and nor can it be a ground to condone a delay of almost three years in approaching the court for relief. We may note that the petitioners had been disqualified for a period of five years commencing from 01.11.2016 and continuing to remain in force till 31.10.2021. By now, a little over one year of the period of disqualification is left to expire. But no steps have been taken by the petitioners to seek legal recourse in all this duration.

5. Powers of judicial review vested in the court are discretionary in nature and in particular facts and circumstances, the court can decline to exercise the said power more so, when a party approaches the court for relief with a delay of almost three years, without an explanation worth the name for the said delay.

6. For the aforesaid reasons, we decline to entertain the present petitions on the ground of delay, which are accordingly dismissed along with the pending applications.

HIMA KOHLI, J.

SUBRAMONIUM PRASAD, J.

JULY 20, 2020 pst/rkb