

Pankaj Singh & Anr vs Union Of India & Anr on 1 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) 1223/2021 & CM APPLs. 3448/2021 and 3449/2021
PANKAJ SINGH & ANR.

Through: Mr. Ayush Gupta, Advocate
(M: 9899906425).

versus

UNION OF INDIA & ANR. .

Through: Mr. Ajay Gupta, Sr.
(M: 9811370966).

CORAM:
JUSTICE PRATHIBA M. SINGH
ORDER

% 01.02.2021

1. This hearing has been done through hybrid mode (physical and virtual hearing).

2. Petitioner No. 1 is the director in the following four companies:-

- (i) ME Media Express Private Limited;
- (ii) Third Eye Harkhabar Private Limited;
- (iii) PVA Films India Private Limited; and
- (iv) MME Media Express Private Limited

3. Petitioner No.2 is the director in the following three companies:-

- (i) Third Eye Harkhabar Private Limited;
- (ii) ABS Digital Network Private Limited; and

(iii) PVA Films India Private Limited

4. Out of the above companies, PVA Films India Private Limited, MME Media Express Private Limited and Third Eye Harkhabar Private Limited have been struck off from the Register of Companies due to non-filing of annual returns and balance sheets etc. Consequently, the Petitioners were disqualified under Section 164(2) of the Companies Act, 2013. The DIN/DSC of the Petitioners have also been deactivated.

5. The Petitioners had now approached the NCLT for revival of Third Eye Harkhabar Private Limited and vide order dated 9th December, 2020, the said company has been restored. The operative portion of the said order reads as under:-

"5. Accordingly, the appeal is allowed subject to payment of costs of Rs. 50,000/- to the Prime Minister Cause Fund. The restoration of the Appellant Company's name in the Register will be subject to their filing all outstanding documents for the defaulting years as required by law and completion of all formalities, including payment of any late fee or other charges which are leviable by the Respondent for the late filing of statutory returns. The name of the Appellant Company shall then stand restored in the Register of the ROC, as if the name of the company had not been struck off.

6. The direction for freezing the bank account(s) of the Appellant Company, if on this ground, shall consequently be also set aside immediately to enable the company to carry out its business operation. Compliance of this order for restoration shall be made by the Respondent with all its consequential effects within one week of compliance by the Appellant."

6. Considering that the company has been restored, the Petitioners seek restoration of their DIN/DSC in order to avail of the Condonation of Delay Scheme dated 15th January, 2021. Considering the above facts, the following directions are issued:-

i. The DIN/DSC of the Petitioners be reactivated within a period of one week.

ii. In view of the fact that a new scheme has been launched for condonation of delay of the companies which have been restored in December, 2020, the Petitioners are permitted to approach the ROC, Delhi for filing of their documents, in terms of the Condonation of Delay Scheme dated 15th January, 2021.

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

8. With these observations, the present petition, along with all pending applications, is disposed of.

PRATHIBA M. SINGH, J.

FEBRUARY 1, 2021 MR/T