

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No.22517 OF 2020

ORDER:

The petitioner seeks a writ of *mandamus* declaring the action of respondents in deactivating and disqualifying and notifying the DIN No.00316893 of the petitioner in the active companies viz., Abhi Minerals Pvt Ltd., (ROC Vijayawada), Agri Gold Exims Ltd., (ROC Vijayawada, AVishkara Life Insurance Pvt Ltd., (ROC Vijayawada) as illegal, arbitrary, without jurisdiction and contrary to the provisions of the Companies Act, 2013 and Rule 11 of the Companies (Appointment of Directors) Rules, 2014 and for a consequential direction to the respondents to activate the DIN number in all the active companies of the petitioner to enable him to file statutory returns.

2. The petitioner is the Director in Miragel Chem Products Private Limited and was allotted DIN No.00316893 and he is also the Director of other companies viz., Avvas Infotech Pvt. Ltd., Motherland Realtors Pvt Ltd., Avishkara Life Insurance Pvt. Ltd., Raam Avvas Resorts and Hotels Pvt Ltd., Abhi Minerals Pvt Ltd., Agri Gold Exims Limited, Avvas Consultancy Services Pvt Ltd. Out of aforesaid Companies some companies were strike off and the companies viz., Abhi Minerals Pvt Ltd., (ROC Vijayawada), Avvas Infotech Pvt. Ltd., Agri Gold Exims Ltd., (ROC Vijayawada), Aviskhara Life Insurance Pvt Ltd., (ROC Vijayawada), Avvas Consultancy Services Pvt Ltd., were in active status. The company Avvas Infotech Pvt Ltd., was struck off from the list of companies by the 1st respondent.

3. While so, 1st respondent issued notification under Section 164(2)(A) of the Companies Act, 2013 notifying the list of the disqualified companies wherein the petitioner's company was shown as disqualified for period of five years from 01.11.2018 to 31.10.2023 and consequently his DIN number was deactivated under Rule 11 of the Companies (Appointment of Directors) Rules, 2014.

4. It is *inter alia* contended that the deactivation of DIN number was done without issuing any prior notice and therefore, it is violative of the principles of natural justice. Due to such deactivation it is impossible for the petitioner to submit the financial statements and annual returns.

Hence, the writ petition.

5. Heard Sri PSP Suresh Kumar, learned counsel for petitioner, and the learned Assistant Solicitor General of India representing the respondents.

6. Both the learned counsel would submit that the subject matter in the present writ petition is covered by the order in W.P.No.17409/2018 & batch dated 11.10.2018.

7. In view of the above submission and following the order in W.P.No.17409/2018 & batch dated 11.10.2018, this writ petition is also disposed of directing the respondents to restore the DIN number of the petitioner, if the companies in respect of which his company is disqualified are registered within the State of Andhra Pradesh, so as to enable him to submit the annual returns and

financial statements. It is made clear that this order holds good only for active companies. No costs.

As a sequel, interlocutory applications pending, if any, shall stand closed.

U.DURGA PRASAD RAO, J

Dated 30.11.2020
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