

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 1797 of 2020
With
R/SPECIAL CIVIL APPLICATION NO. 1802 of 2020
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R/SPECIAL CIVIL APPLICATION NO. 803 of 2020
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CIVIL APPLICATION (FOR FIXING DATE OF HEARING) NO. 2 of 2021
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CIVIL APPLICATION (FOR INTERIM RELIEF) NO. 1 of 2019
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With
R/SPECIAL CIVIL APPLICATION NO. 1192 of 2020

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MANOJKUMAR SURESHCHANDRA SHARMA

Versus

UNION OF INDIA

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Appearance:

AKASH A SINGH(8713) for the Petitioner(s) No. 1

MR SHIVRAM C GANESHAN(10839) for the Petitioner(s) No. 1

MR DEVANG VYAS, ADDITIONAL SOLICITOR GENERAL OF INDIA WITH

MR KSHITIJ M AMIN(7572) for the Respondent(s) No. 1,2

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CORAM: **HONOURABLE THE CHIEF JUSTICE MR. JUSTICE ARAVIND KUMAR**

Date : 28/02/2022

COMMON ORAL ORDER

In these matters, the order of disqualifying the petitioners as Directors of the Company in exercise of the powers vested under section 164(2)(a) of the Companies Act, 2013 published on the website of the Ministry of Corporate Affairs, Registrar of Companies, Ahmedabad is under challenge. The said period of disqualification was for a period of 5 years from the date of order of such disqualification which admittedly has expired after the period of 5 years. Challenging said order, petitioner has approached this Court by the present Special Civil Application and while issuing Notice, Coordinate Bench had taken note of the fact that in Special Civil Application No.17930 of 2018 an interim order had been passed on 28.11.2018 staying such disqualification.

The period of disqualification has come to an end in some of petitions on 31.10.2021 or would be coming to an end on 31.10.2022 and 30.11.2023. By virtue of interim order of stay of the impugned orders, the petitioners' name having not been removed or struck off from the

register of the Companies. Further the Director Identification Number (DIN) is also not deactivated. The interim order granted by this Court has continued till date, hence, this Court is of the considered view that it would be open for the respondents, if so advised, to proceed against the petitioners afresh by issuing appropriate notice and hearing the petitioners and thereafter passing orders in accordance with law.

For the reasons aforesaid, this Court is of the considered view that the impugned order passed by deactivating the Director Identification Number stands quashed. As observed hereinabove, the respondents would be at liberty to proceed against the petitioners in accordance with law. Pending Civil Applications, if any, stands consigned to records.

(ARAVIND KUMAR,CJ)

Bharat