

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****With****R/SPECIAL CIVIL APPLICATION NO. 803 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 1141 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 1597 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 1535 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 2525 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 1872 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 1221 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 1872 of 2021****With****R/SPECIAL CIVIL APPLICATION NO. 2607 of 2019****With****R/SPECIAL CIVIL APPLICATION NO. 1451 of 2019****With****R/SPECIAL CIVIL APPLICATION NO. 2137 of 2021****With****R/SPECIAL CIVIL APPLICATION NO. 2254 of 2021****With****R/SPECIAL CIVIL APPLICATION NO. 1976 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 2438 of 2021****With****R/SPECIAL CIVIL APPLICATION NO. 2710 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 3804 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 3433 of 2021****With****R/SPECIAL CIVIL APPLICATION NO. 3786 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 3398 of 2021****With****R/SPECIAL CIVIL APPLICATION NO. 2955 of 2019****With****R/SPECIAL CIVIL APPLICATION NO. 3636 of 2021****With****R/SPECIAL CIVIL APPLICATION NO. 3505 of 2021**

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CIVIL APPLICATION (FOR FIXING DATE OF HEARING) NO. 2 of 2021

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With
R/SPECIAL CIVIL APPLICATION NO. 1192 of 2020

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MANOJKUMAR SURESHCHANDRA SHARMA
Versus

UNION OF INDIA

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

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 aforesated, 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