

GAHC010076982020



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C) 2295/2020

1: BABUL HORE AND ANR.
S/O- LATE JOTINDRA BIJAY HORE, R/O- KALIBARI ROAD, TARAPUR,
SILCHAR- 788003, DIST- CACHAR, ASSAM

2: ARINDAM HORE
S/O- BABUL HORE
R/O- KALIBARI ROAD
TARAPUR
SILCHAR- 788003
DIST- CACHAR
ASSA

VERSUS

1: UNION OF INDIA AND ANR.
REP. BY THE SECRETARY TO THE GOVT OF INDIA, MIN OF CORPORATE
AFFAIRS, SHASTRI BHAWAN, NEW DELHI- 110001

2: REGISTRAR OF COMPANIES (ROC)
GUWAHATI
MIN OF CORPORATE AFFAIRS
UNION OF INDIA
GS ROAD
SOUTH SARANIA
LACHIT NAGAR
GUWAHATI- 781003
ASSAM (FORMERLY KNOWN AS REGISTRAR OF COMPANIES)
MEGHALAYA AT SHILLONG BEFORE RE DESIGNATION WITH ITS OFFICE
WAS AT MORELLO BUILDING
GROUND FLOOR
KACHARI ROAD
SHILLONG- 79300

Advocate for the Petitioner : MR. S CHETIA

Advocate for the Respondent : ASSTT.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE N. KOTISWAR SINGH**

ORDER

Date : 04-06-2020

Heard Mr. S. Chetia, learned counsel for the petitioners.

Issue notice returnable within 3 (three) weeks.

Mr. S.C. Keyal, learned ASGI accepts notice on behalf of the respondents.

In this petition, the petitioners have sought for reactivating the DSC (Digital Signature Certificate) and DIN (Directors' Identification Number) which were deactivated after the petitioners were disqualified as Directors for a defaulting Company in terms of Section 164 of the Companies Act, 2013.

Learned counsel for the petitioner submits that similar cases are pending before this Court in which this Court had passed interim orders to the effect that the Director Identification Number of the petitioners should be revived and accordingly, has prayed for passing similar order in this case as well.

On the other hand, Mr. S.C. Keyal, learned ASGI has submitted that in similar cases where Bombay High Court had passed the stay orders, the Union Government had filed an SLP before the Hon'ble Supreme Court and the Hon'ble Supreme Court had stayed all such interim orders passed by the Bombay High Court.

Learned counsel for the petitioner, however, submits that those cases of Bombay High Court are different from present one and this can be factually differentiated and the respondents have not filed any application for vacating the said interim orders.

As regards the interim orders passed by this Court in various writ petitions, copies of which are annexed to this writ petition, Mr. Keyal, learned ASGI submits that the authorities are proposing to file applications for vacation of the said interim orders.

Be that as it may, a similar interim order as passed in those cases pending before this Court is also passed in this case, by directing the respondent authorities to revive the

Director's Identification Number of the petitioners. However, the respondent authorities will be at liberty to file appropriate application for modification, vacation of the interim order on the strength of judgement of Hon'ble Supreme Court relied on by the Union respondents.

List accordingly after 4 (four) weeks.

JUDGE

Comparing Assistant