

GAHC010156762022



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

Case No. : WP(C)/5146/2022

TAPAN JYOTI DUTTA
S/O JOGEN DUTTA, VILL-ULUTALI, FURKATING, P.O.-GOLAGHAT, DIST-
GOLAGHAT, ASSAM-785610

VERSUS

THE UNION OF INDIA AND 2 ORS.
THROUGH MINISTRY OF CORPORATE AFFAIRS, SHASTRI BHAWAN, DR.
RAJENDRA PRASAD ROAD, NEW DELHI-110001

2:THE REGISTRAR OF COMPANIES
GUWAHATI
MINISTRY OF CORPORATE AFFAIRS
G S ROAD
SOUTH SARANIA
LACHITNAGAR
GUWAHATI-781007
ASSAM (FORMERLY KNOWN AS REGISTRAR OF COMPANIES
MEGHALAYA) SHILLONG BEFORE RE-DESIGNATION WITH ITS OFFICE
WAS AT MORELLO BUILDING
KACHARI ROAD
SHILLONG
MEGHALAYA

3:BOHNIMAN TOURS AND TRAVELS PRIVATE LIMITED
BHAGWATI COMPLEX
BEHIND SILKALAYA CHRISTIAN BASTI
G.S. ROAD
GUWAHATI-781005
KAMRUP(M)
ASSA

Advocate for the Petitioner : MR. K K NANDI

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

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 10/08/2022

Heard Mr. K.K. Nandi, learned counsel for the writ petitioner.

The writ petitioner claims to be the Director of a number of Companies. Aggrieved by his disqualification and suspension of the Director Identification Number (DIN) as well as Digital Signature Certificate (DSC), due to non-filing of return/financial statement, the instant writ petition has been filed.

Mr. Nandi, learned counsel for the petitioner submits that delay in approaching this Court is on account of the fact that the impugned notification was published in the web portal of the department only on 12/02/2020.

By referring to interim orders passed by this Court in similar writ petitions, Mr. Nandi has prayed for an interim relief for his client.

Mr. S.C. Keyal, learned counsel appearing on behalf of the respondent no. 2 (ROC) submits that the department has already preferred an SLP before the Hon'ble Supreme Court of India against the judgement of Bombay High Court allowing similar writ petitions. Therefore, he be permitted some time to obtain instruction and file affidavit.

In so far as the interim order is concerned, Mr. Keyal submits that since a number of writ petitions are pending wherein interim order was passed, he would not oppose the prayer for similar interim order in this case also.

Issue notice of motion returnable in six weeks.

Since Mr. K. Gogoi, learned CGC has appeared and accepted notice on behalf of the respondent no. 1 and Mr. Keyal, learned counsel has accepted notice on behalf of the respondent no.2, no formal notice is required to be sent to the said respondents. However, extra copies of the writ petition, in requisite numbers, be furnished to the learned departmental counsel (s) within three days from today, so as to enable them to obtain instruction and file affidavit.

Petitioner to take steps for service of notice on the respondent no. 3 by registered post with A/D as well as usual process within three days.

Heard on the prayer of interim relief.

Perused interim orders passed by this Court in similar writ petitions.

In view of the above, it is hereby provided that within two weeks from the date of receipt of a certified copy of this order, the DIN and DSC of the writ petitioner be restored, which will however, be subject to the final order that may be passed in this writ petition.

The respondent no.2 will be at liberty to move this Court for modification and/or alteration of this order by furnishing adequate justification, if so advised.

List accordingly.

JUDGE

sukhamay

Comparing Assistant