

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 11061 of 2020**

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VIJAYSINH KHUMANSINH SURATIA

Versus

UNION OF INDIA

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Appearance:

NATASHA SUTARIA(7907) for the Petitioner(s) No. 1,2,3

NOTICE SERVED(4) for the Respondent(s) No. 1,2

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CORAM: **HONOURABLE MR. JUSTICE ASHUTOSH J. SHASTRI****Date : 25/09/2020****ORAL ORDER**

1. This petition is filed under Article 226 of the Constitution of India for the purpose of seeking following reliefs:-

"14(a) quash and set aside the impugned list of directors associated with struck off companies dated 15.11.2019 by Registrar of Companies, Ahmedabad on the website of Ministry of Corporate Affairs, in so far as Petitioners are concerned.

(b) direct the Respondents to restore status quo ante and appoint / re-appoint Petitioners as director of the Company as well as other companies without any hindrance using the DIN as if the impugned list was not published.

(c) direct the Respondents to defreeze and re-activate the DIN of petitioners."

2. Pursuant to the notice, learned advocate Mr. Kshitij Amin has appeared on behalf of the respondent No.1 and the matter is taken up for hearing on the issue of interim relief.

3. Learned advocate Ms. Natasha Sutaria appearing for the petitioners has submitted that the petitioner No.1 is a Director, having DIN No.01041544, whereas petitioner No.2 is also a Director having DIN No.01437907 and petitioner No.3 is also a Director,

having DIN No.03516760. These petitioners are also the Directors in other respective companies, which are active companies and have not committed any breach. But, on account of the general orders, the petitioners have been placed in the impugned list of disqualified Directors associated with the companies. As a result of this, their DIN numbers have been suspended, which has given rise to the present petition.

4. The petitioners continue to be the Directors in other ongoing companies which are not delisted by the RoC. However, on account of delisting of one company, as indicated above, their respective DIN numbers are suspended. According to Ms. Sutaria, there is no default in the active companies, to which the petitioners are also holding directorship and further, this very issue has been taken into consideration by the Coordinate Bench of this Court in Special Civil Application No.4000 of 2020, in which, after hearing learned advocates, the Court was pleased to admit the petition and granted interim protection and exactly the case of the petitioners is also on the same line and as such, has requested that the protection be made available to the petitioners as well.

5. To the aforesaid submissions, learned advocate Mr. Kshitij Amin appearing on behalf of the respondent No.1 has no much resistance in view of the aforesaid undisputed facts and has further candidly drawn the attention of this Court to page 32 of the petition compilation, in which the Coordinate Bench has granted protection exactly in similar situation and as such, has left the matter to the discretion of this Court.

6. Having heard learned advocates appearing for the parties and having considered the submissions made by them, **RULE** returnable on **26.10.2020**. Learned advocate Mr. Kshitij Amin waives service

of Rule for and on behalf of the respondent No.1.

7. In view of the aforesaid submission, additionally, learned advocate for the petitioners has shown willingness to undertake not to utilize the DIN numbers in any manner with regard to the companies which are struck off from RoC and to that effect, within a period of **ONE WEEK** from today, necessary Undertaking will be filed by the petitioners, to be placed on record of the present case. In view of this circumstance, pending this petition, the respondents are directed to reactivate and de-freeze the DIN numbers of the petitioners forthwith, subject to final outcome of the petition. This interim relief is granted in view of the aforesaid specific submission that the issue is almost similar to that of the issue which has already been dealt with by the Coordinate Bench of this Court. Hence, in view of this, the present matter be also listed with Special Civil Application No.101 of 2019 and allied matters and for that, necessary office note may be submitted by learned advocate for the petitioners.

Direct service through email is permitted.

MEHUL B. TUVAR

(ASHUTOSH J. SHASTRI, J)