

March 5, 2021,
2021
(BPg)

W.P. A. 9170 of 2020
(Rajesh Agarwal vs. Union of India & Ors.)
With
W.P.A.9840 of 2020
With
W.P.A. 9173 of 2020
With
W.P.A.9171 of 2020
With
W.P.A. 2807 of 2021
With
W.P.A.1622 of 2020
With
W.P.A. 3172 of 2021
With
W.P.A. 1623 of 2020
With
W.P.A. 1811 of 2020
With
W.P.A. 1824 of 2020
With
W.P.A. 4666 of 2020
With
W.P.A. 1626 of 2020
With
W.P.A. 1351 of 2020
With
W.P.A. 1354 of 2020
With
W.P.A. 1356 of 2020
With
W.P.A. 7252 of 2020
CAN 1 of 2020
With
W.P.A. 11849 of 2020
With
W.P.A. 1617 of 2020
With
W.P.A. 1345 of 2020

With
W.P.A. 2521 of 2020
With
W.P.A. 1820 of 2020
With
W.P.A. 1620 of 2020
With
W.P.A. 1797 of 2020
With
W.P.A. 1799 of 2020
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W.P.A. 1809 of 2020
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W.P.A. 1816 of 2020
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W.P.A. 1818 of 2020
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W.P.A. 1821 of 2020
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W.P.A. 1822 of 2020
With
W.P.A. 1823 of 2020
With
W.P.A. 18241 of 2018
With
W.P.A. 1825 of 2020
With
W.P.A. 1826 of 2020
With
W.P.A. 1836 of 2020
With
W.P.A. 1993 of 2020
With
W.P.A. 2213 of 2020
With
W.P.A. 22478 of 2019
With
W.P.A. 22911 of 2018
With
W.P.A. 2514 of 2020
With
W.P.A. 2515 of 2020
With
W.P.A. 2516 of 2020
With

W.P.A. 2520 of 2020
With
W.P.A. 2523 of 2020
With
W.P.A. 2672 of 2020
With
W.P.A. 2894 of 2020
With
W.P.A. 3175 of 2020
With
W.P.A. 3468 of 2020
With
W.P.A. 3469 of 2020
With
W.P.A. 3470 of 2020
With
W.P.A. 3533 of 2020
With
W.P.A. 3700 of 2021
With
W.P.A. 3708 of 2021
With
W.P.A. 3716 of 2021
With
W.P.A. 3862 of 2020
With
W.P.A. 3959 of 2021
With
W.P.A. 3960 of 2021
With
W.P.A. 3967 of 2021
With
W.P.A. 3974 of 2021
With
W.P.A. 3978 of 2021
With
W.P.A. 6811 of 2019
(CAN 1 of 2019 (Old CAN 11665 of 2019))
With
W.P.A. 1057 of 2020
With
W.P.A. 1065 of 2020
With
W.P.A. 10990 of 2019
With

W.P.A. 11136 of 2019
CAN 1 of 2019 (Old 9611 of 2019)
With
W.P.A. 11523 of 2020
With
W.P.A. 11913 of 2019
With
W.P.A. 1350 of 2020
With
W.P.A. 1358 of 2020
With
W.P.A. 1360 of 2020
With
W.P.A. 1361 of 2020
With
W.P.A. 1487 of 2020
CAN 1 of 2020
With
W.P.A. 1489 of 2020
CAN 1 of 2020
With
W.P.A. 1616 of 2020
With
W.P.A. 1619 of 2020
With
W.P.A. 1624 of 2020
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W.P.A. 1625 of 2020
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W.P.A. 1661 of 2020
With
W.P.A. 1794 of 2020
With
W.P.A. 1796 of 2020
With
W.P.A. 4248 of 2021
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W.P.A. 4249 of 2021
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W.P.A. 4250 of 2021
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W.P.A. 4252 of 2021
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W.P.A. 4253 of 2021
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W.P.A. 4254 of 2021
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 W.P.A. 4255 of 2021
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 W.P.A. 4276 of 2020
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 W.P.A. 4277 of 2020
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 W.P.A. 4279 of 2020
 With
 W.P.A. 454 of 2018
 With
 W.P.A. 4543 of 2020
 With
 W.P.A. 4667 of 2020
 With
 W.P.A. 4711 of 2020
 With
 W.P.A. 5226 of 2020
 With
 W.P.A. 6809 of 2019
 CAN 1 of 2019 (Old CAN 11666 of 2019)
 With
 W.P.A. 6810 of 2019
 CAN 1 of 2019 (Old 11664 of 2019)
 With
 W.P.A. 7265 of 2020
 CAN 1 of 2020
 With
 W.P.A. 7596 of 2020
 CAN 1 of 2020
 With
 W.P.A. 8626 of 2020
 With
 W.P.A. 8700 of 2020
 With
 W.P.A. 8703 of 2020
 With
 W.P.A. 8705 of 2021
 With
 W.P.A. 4134 of 2021
 With
 W.P.A. 6693 of 2020
 CAN 1 of 2020 (Old 5585 of 2020)
 With

W.P.A. 6695 of 2020
CAN 1 of 2020 (Old CAN 5588 of 2020)
With
W.P.A. 6420 of 2020
CAN 1 of 2020 (Old CAN 5036 of 2020)
With
W.P.A. 8130 of 2020
With
W.P.A. 8143 of 2020
With
W.P.A. 11766 of 2020
With
W.P.A. 398 of 2021
With
With
W.P.A. 401 of 2021
With
W.P.A. 11853 of 2020
With
W.P.A. 11854 of 2020
With
W.P.A. 11857 of 2020
With
W.P.A. 10044 of 2020
With
W.P.A. 10046 of 2020
With
W.P.A. 10048 of 2020
With
W.P.A. 10052 of 2020
With
W.P.A. 10053 of 2020
With
W.P.A. 8537 of 2020
With
W.P.A. 4406 of 2021
With
W.P.A. 8343 of 2020
With
W.P.A. 4408 of 2021
With
W.P.A. 8345 of 2020
With
W.P.A. 8347 of 2020
With

W.P.A. 8349 of 2020

Mr. Nirmalya Dasgupta,
Mr. Jitendra Patnaik.

...For the petitioner in
W.P.A. 9170 of 2020
W.P.A. 9173 of 2020
W.P.A. 9171 of 2020

Mr. S. Baneerjee,
Mr. A.K Upadhyay

...For the petitioner in
Item Nos.8-18, 20 to 37, 39 to 43,
49 to 57, 83 to 86, 90 to 97, 110 to
113, 134 to 138, 144, 146, 148 to
150.

Mr. Abhishek Sikdar.

...for the petitioner in
WPA 1993 of 2020.

Mr. Aniruddha Bhattacharjee,
Mr. Niladri Khanra.

..for the petitioner in WPA 11913 of 2019

Mr. Surojit Dasgupta,
Mr. Avijit Dey.

...for the petitioner in WPA 4276 of 2020,
WPA 4277 of 2020 and WPA 4279 of 2020.

Mr. Suryaneel Das,
Mr. Aasish Choudhury,
Ms. Puja Tripathi.

...for the petitioner in WPA 4543 of 2018.

Mrs. Sonal Shah,
Mr. Kushagra Shah.

...for the petitioner in WPA 6420 of 2020

Mr. Soumendra Nath Mookherjee,
Mr. Shaunak Mitra,
Ms. Urmila Chakraborty,
Mr. Paritosh Sinha,
Mr. Saubhik Chowdhury,

Mr. Dripto Majumdar,
 Ms. Ayusmita Sinha.
 ...for the petitioner in WPA 6810 of 2019.

Mr. Ratnanko Banerji.
 Mr. Shaunak Mitra,
 Ms. Urmila Chakraborty,
 Mr. Paritosh Sinha,
 Mr. Saubhik Chowdhury,
 Mr. Dripto Majumdar,
 Ms. Ayusmita Sinha.
 ...for the petitioner in WPA 6811 of 2019.

Mr. Siddhartha Lahiri.
 ...for the Union of India in item nos.2,
 4, 7, 10, 14, 57, 64, 65, 66, 68, 70, 71, 72,
 87, 98, 100, 101, 102, 103, 104, 120,
 124, 125, 126, 127, 128, 130, 135, 144, 148,
 149 and 150.

Mr. Subhankar Chakraborty
 Mr. Saptarshi Bhattacharya
 ...For the Union of India in
W.P.A. 1347 of 2020
W.P.A. 8158 of 2019
W.P.A.1065 of 2020
W.P.A. 10990 of 2019
W.P.A. 1345 of 2020
W.P.A. 1348 of 2020
W.P.A. 1350 of 2020
W.P.A. 1351 of 2020
W.P.A. 1354 of 2020
W.P.A. 1356 of 2020
W.P.A. 1358 of 2020
W.P.A. 1360 of 2020
W.P.A. 1361 of 2020
W.P.A. 1487 of 2020
(CAN 1 of 2020)
W.P.A. 1489 of 2020
(CAN 1 of 2020)
W.P.A. 1057 of 2020
W.P.A. 22478 of 2019
W.P.A 22536 of 2019

W.P.A. 454 of 2020
W.P.A. 22258 of 2019
WPA 1836 of 2020
WPA 455 of 2020
WPA 456 of 2020
WPA 1626 of 2020
WPA 18241 of 2018
WPA 22536 of 2019
WPA 11913 of 2019

Mr. Y. J. Dastoor,
 Mr. Vipul Kundalia,
 Mr. Avinash Kankani.
 ...for the Union of India in
W.P.A. 6810 of 2019.

Mr. Vipul Kundalia.
 ..for the Union of India in WPA 1489 of 2020

Mr. Shiv Chandra Prasad.
 ...for the Union of India in WPA 22911 of
 2018, WPA 11136 of 2019 and WPA 4543
 of 2018.

Mr. Siddhartha Lahiri,
 Mr. Subrata Santra.
 ...for the Union of India in WPA 4249 of
 2021.

Mr. Avinash Kankani.
 ...for the Union of India in Item nos.2, 3, 9,
 11, 12, 20, 23, 26, 32, 33, 35, 36, 37, 39, 40,
 41, 43, 58, 63, 66, 67, 77, 89, 90, 91, 92, 93, 94,
 95, 96, 97, 117, 118, 119, 121, 123, 124, 125,
 126, 131, 134, 136, 137, 138, 139, 140, 141, 143.

Mr. S. Tiwari.
 ...for the respondents in Item Nos.14, 40,
 50, 51, 52, 53, 54, 55, 56, 58 to 62 , 105 to
 107, 110 to 114.

Since there are conflicting views of different High Courts on the retrospective effect and the interpretation of Sections 164 and 167 of the Companies Act, 2013, as argued by the petitioners, an arguable prima facie case has been made out which requires final hearing of the writ petitions on merits.

Accordingly, let all these matters appear for hearing together on April 13, 2021.

There will be an interim order of stay of operation of the disqualification/deactivation of the DIN numbers of the petitioners till April 30, 2021 or until further orders, whichever is earlier.

Parties shall exchange affidavits, if any, in the meantime.

(Sabyasachi Bhattacharyya, J.)