

IN THE HIGH COURT OF BOMBAY AT GOA**LD-VC-OCW-210-2020****IN****WP No. 1054-2019**

Rohan Prakash Hede Petitioner
Versus
Union of India and Another Respondents

Mr. Sunip K. Sen, Senior Advocate with Mr. J.J. Mulgaonkar and Ms. Rupa Banaulikar, Advocates for the Petitioner.

Coram:- M.S. SONAK &
M.S. JAWALKAR, JJ.

Date:- 15th December, 2020

P.C.

Heard Mr. Sunip Sen along with Mr. J.J. Mulgaonkar and Ms. Rupa Banaulikar, the learned Counsel for the petitioner.

2. This matter was kept back in order to enable the learned Standing Counsel to appear, however, there is no appearance on behalf of the Central Government as yet.

3. The limited interim relief, which the petitioner seeks, is the temporary activation of their Director Identification Number (DIN) so as to enable the petitioner to

avail of the benefit of the Companies Fresh Start Scheme (CFSS), which was notified on 30.03.2020.

4. Mr. Sen, the learned Senior Counsel for the petitioner points out that the whole objective of launching such scheme is to enable the defaulting Directors to make a fresh start on a clean slate. He submits that one of the features for availing such a benefit is to report compliances latest by 31.12.2020. He submits that in order to make and report compliances, it is necessary that the DIN is activated, at least, for a temporary period for making such compliances. He submits that on one hand, the scheme encourages compliances so as to facilitate a fresh start and on the other hand, this opportunity cannot be denied by not activating the DIN, even for the limited purpose.

5. The learned Senior Counsel for the petitioner relies on **Sandeep Agarwal & Another Vs. Union of India & Another**, Writ Petition (C) No. 5490/2020 decided on 02.09.2020 in support of his contentions. He submits that even several other High Courts have taken the view favourable to the petitioner in such matters.

6. At least, *prima facie*, we find merit in the submission made by Mr. Sen on behalf of the petitioner. The CFSS, as observed by the Delhi High Court, has been launched to facilitate a fresh start for companies registered in India. This scheme *inter alia* gives an opportunity to file belated documents without being subjected to higher fee. This scheme also grants immunity from launch of prosecution and other such benefits. In order to avail the benefit, several compliances have to be made by the Directors. In order to make such compliances, at least, temporary activation of the DIN is necessary for this limited purpose.

7. Mr. Sen, on instructions from the petitioner, states that if the DIN is activated, the same will not be utilized for any other purpose other than to make/report compliances under the CFSS. This statement is accepted as an undertaking giving by the petitioner to this Court.

8. In view of the aforesaid, by way of interim relief, we direct the concerned respondent to activate the petitioner's DIN as expeditiously as possible and in any case, within a period of 7 days from today. The DIN, so activated can be made use of by the petitioner only for making/

reporting compliances under the CFSS and not for any other purpose.

9. The respondents are granted liberty to file response, if they so choose to, latest by 08.01.2021 by serving an advance copy of the same on the learned Counsel for the petitioner. The matter is posted for further consideration to 12.01.2021. Since, this is only an interim order made by us and any benefit under the interim order, will be naturally subjected to further orders made in this Petition.

10. All concerned to act on the basis of an authenticated copy of this Order.

M.S. JAWALKAR, J.

M.S. SONAK, J.

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