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**NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD**

Co. Appeal No. 85/252/NCLT/AHM/2017

Coram: **Hon'ble Mr. BIKKI RAVEENDRA BABU, MEMBER JUDICIAL**
Hon'ble Ms. MANORAMA KUMARI, MEMBER JUDICIAL

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF AHMEDABAD
BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 08.02.2018**

Name of the Company: Akhlesh Thakur
(Pratham Township and Developers Pvt Ltd).
V/s.
Registrar of Companies, Gwalior.

Section of the Companies Act: Section 252 of the Companies Act, 2013

<u>S.NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
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1.

2.

ORDER

None present for Appellant. None present for ROC.

Order pronounced in open court. Vide separate sheets.


MANORAMA KUMARI
MEMBER JUDICIAL


BIKKI RAVEENDRA BABU
MEMBER JUDICIAL

Dated this the 8th day of February, 2018.

**BEFORE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH**

Co. Appeal No. 85/252/NCLT/AHM/2017

In the Matter of:

Akhlesh Thakur
Director of Pratham Townships
And Developers P.Limited
177/2 Banganga,
Indore-452001 M.P.

: Appellant.

Versus

Registrar of Companies,
Madhya Pradesh (Gwalior)
3rd Floor, A Block,
Sanjay Complex,
Jayendraganj,
Gwalior-474009
Madhya Pradesh.

: Respondent.

Order delivered on 8th February, 2018.

**Coram: Hon'ble Sri Bikki Raveendra Babu, Member (J) – And
Hon'ble Ms. Manorama Kumari, Member (J).**

Appearance:

Mr. Rajesh Lohia, on behalf of Ms. Swati Mittal, learned PCS for the
Appellant.

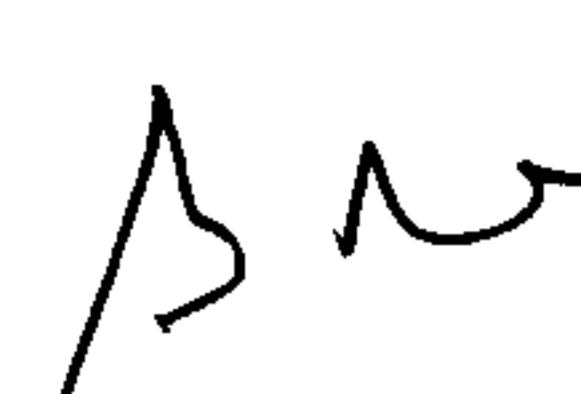
None present for Registrar of Companies.

ORDER

[Per: Hon'ble Ms. Manorama Kumari, Member (J).]

1. The Appellant above named, who is Director and
Shareholder of the Company, M/s. Pratham Township and



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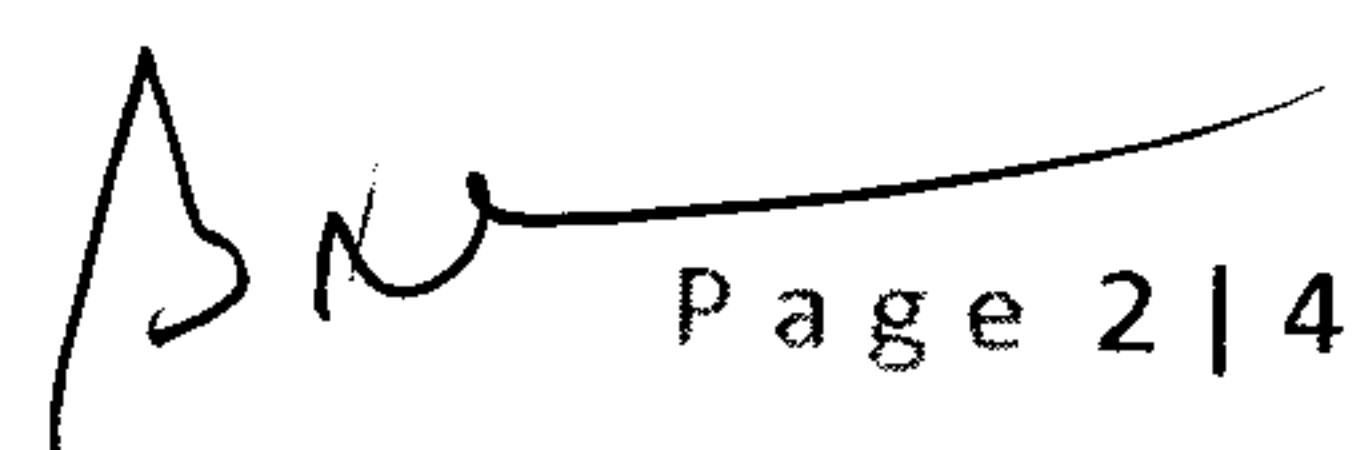
Developers Private Limited, by way of this Appeal, seeks for restoration of name of the Company, which was struck off from the Register of Companies by the Registrar of Companies, Gwalior, Madhya Pradesh ["ROC" for short].

2. The facts in brief, which necessitated the Appellant to file this Appeal, are as follows;

2.1. It is stated that the ROC vide Public Notice No.1 dated 10.3.2017 issued in Form No. STK-5 followed by Notice No. ROC-G/248(5)/2017/2949 dated 14th June, 2017 issued under sub-section (5) of Section 248 of the Companies Act, 2013, has struck off the name of the Company from the Register of Companies inter alia on the ground that the Company has not been carrying on any business or operation for a period of two immediately preceding financial years and have not made any application within such period for obtaining the status of dormant company under Section 455.

2.2. It is submitted by the Appellant that the Company is having assets and liabilities and regularly filed Balance Sheet and Annual Returns etc., up to the year 2012-13 but could not file the same for the years from 2013-14 to 2015-16 due to technical problems of digital signatures validation etc; the Company is having a total of two shareholders only holding entire share capital; the Company has fixed assets and Unsecured Loans from Directors and their relatives apart from other assets and liabilities; and the restoration of the Company would be in the interest of all the stakeholders of the Company.

3. On Notice being issued and served upon the ROC, the ROC has filed Reply dated 1.1.2018 on 9th January, 2018 stating that the Respondent has struck off the name of the Company on suo motu basis on 14.6.2017 due to non-filing of Annual Returns and Balance Sheet for the financial years from 2013-14 to 2017-17.



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4. In pursuance of Order of this Tribunal dated 16.1.2017, the Appellant filed Affidavit on 29th January, 2018 and annexed therewith copy of the Income Tax Return of the Company for the Assessment Year 2017-18; and status of Bank Account of the Company.
5. The Appellant has filed along with the Appeal copies of Balance Sheet for the financial years from 2013-14 to 2015-16.
6. This Appeal is filed by the Appellant under Section 252(3) of the Companies Act and he being Director and Shareholder is entitled to file it seeking restoration of the name of the Company. Therefore, this Appeal is maintainable. The Company, M/s. Pratham Township and Developers Private Limited was struck off on 14th June, 2017 from the Register of Companies and the same was published in the Gazette of India. This Appeal was filed on 27th November, 2017. Therefore, this Appeal is within time.
7. From the material available on record, it appears that the only reason for striking off the name of the Company, M/s. Pratham Township and Developers Private Limited is that the Company has failed to file Annual Returns and Balance Sheets from the financial year 2013-14 onwards with the ROC.
8. The material on record also goes on to show that the Company is an ongoing concern and has been doing business. The Registered Office of the Company is situated at Kibe Compound, Indore, Madhya Pradesh.
9. Considering all the aforesaid aspects, this Tribunal is of the considered view that it is just and equitable to restore the name of the Company, M/s. Pratham Township and Developers Private Limited in the Register of Companies maintained by the ROC, Gwalior, Madhya Pradesh, and to remove the defects of

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disqualification if any as Directors, imposed under Section 164(2) of the Companies Act, 2013.

10. In view of the above, the instant Appeal is allowed, directing the Registrar of Companies, Gwalior, Madhya Pradesh to restore the name of the Company in the Register of Companies upon Appellant's complying with the following conditions;

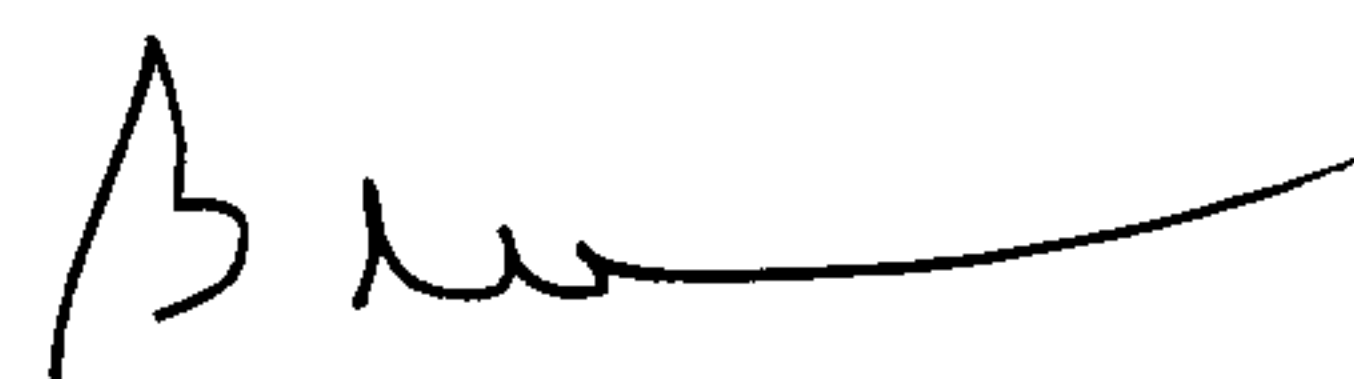
- (i) The Appellant shall file all over due statutory returns with fee and additional fee as required under the Companies Act;
- (ii) The Appellant shall publish a Notice in leading newspapers circulating in the District as well as in the Official Gazette of the Government of India with regard to the restoration of the name of the Company in the Register of Companies maintained by the Office of the Registrar of Companies, as per the draft notice approved by the Registrar of Companies at the expenses of the Appellant;
- (iii) The Appellant shall also pay an amount of Rs. 10,000/- to the Ministry of Corporate Affairs by way of Demand Draft drawn on Nationalised Bank towards the cost incurred by the Government in striking off the name of the Company within 3 (three) weeks from the date of this order.

11. The Appeal stands disposed of accordingly.

Signature:


Ms. Manorama Kumari,
Member (Judicial)

Signature:


Sri Bikki Raveendra Babu,
Member (Judicial)

Rmr..