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**NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD**


Co. Appeal No. 7/252(3)/NCLT/AHM/2018

**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 13.02.2018**

Name of the Company: J R Credit Pvt Ltd
V/s.
Registrar of Companies

Section of the Companies Act: Section 252(3) of the Companies Act, 2013

<u>S.NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	DHIREN R. DAVE	PCS	Appellant	
2.				

ORDER

Learned PCS Mr. Dhiren Dave 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 13th day of February, 2018.

**BEFORE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH**

Co. Appeal No. 7/252/NCLT/AHM/2018

In the matter of:

M/s. J.R. Credit Private Limited
Registered Office at
215, Shri Vardhan Complex 4,
R.N.T. Marg,
Indore-452001
Madhya Pradesh

: Appellant.

Versus

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

: Respondent.

Order delivered on 13th February, 2018.

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

Appearance:

Mr. Dhiren Dave, learned PCS for the Appellant.

None present for Registrar of Companies.

ORDER

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

1. The Appellant Company, by way of this Appeal filed under Section 252(3) seeks for restoration of the Company, namely, M/s.

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J.R. Credit Private Limited, 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 Letter No. ROC-G/U/S248(1) dated 10.3.2017 issued in Form No. STK-5 followed by Notice No. ROC-G/248(5)/2017/2771 dated 26th May, 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 stated in the Appeal that the promoters/Directors took over the company in 2011; however due to change in Accountant and other administrative staff in 2013; and due to inadvertent error necessary returns were not filed with the Office of ROC for last three years.

2.3. The Appellant has filed along with the Appeal, list of Directors and list of Shareholders of the Company; copies of

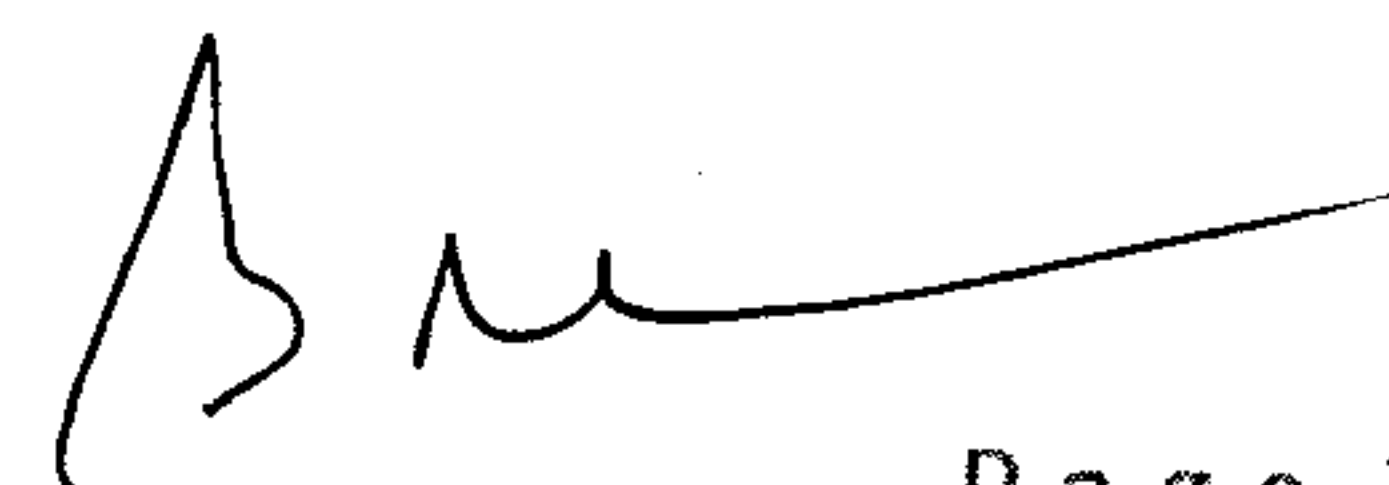
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Acknowledgments of Income Tax Return for financial years 2015-16 and 2016-17; and copy of Bank Statement and Certificate of Chartered Accountant.

3. Though notice was served on the Respondent/ROC by this Tribunal, the ROC has not filed any representation.
4. In pursuance of the Notice of this Tribunal, one of the Members of the Company filed Affidavit dated 27.1.2018 showing status of the Bank account of the company and enclosed therewith copy of Bank Statement and Certificate of Chartered Accountant.
5. This Appeal is filed by the Appellant Company under Section 252(3) of the Companies Act. The Appellant is entitled to file Appeal seeking restoration of its name. Therefore, this Appeal is maintainable. The Company, M/s. J.R. Credit Private Limited was struck off on 26th May, 2017 from the Register of Companies and the same was published in the Gazette of India. This Appeal was filed on 18th December, 2017. Therefore, this Appeal is within time.
6. From the material available on record, the only reason for striking off the name of the Company, M/s. J.R. Credit Private Limited is that the Company has failed to file its statutory returns for last three financial years.





7. The materials on record also go to show that the Company is an ongoing concern and has been doing business. The Registered Office of the Company is situated at Shalin Bunglows, Thaltej, Ahmedabad, Gujarat.

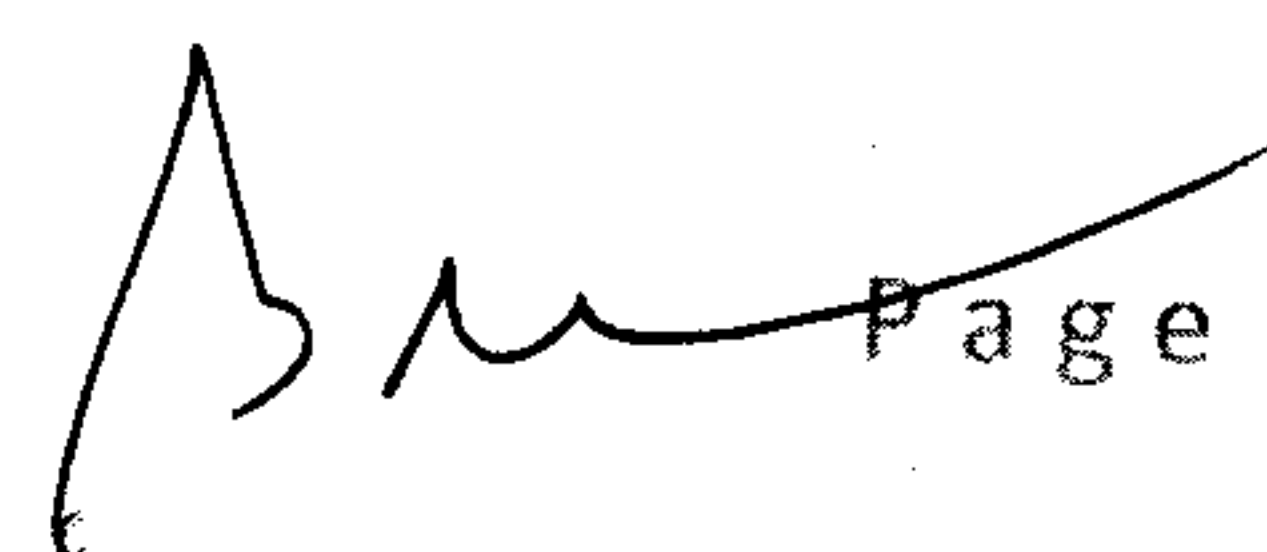
8. Considering all the aforesaid aspects, this Tribunal is of the considered view that it is just and equitable to issue directions to restore the name of the Company, M/s. J.R. Credit Private Limited in the Register of Companies maintained by the ROC, Gwalior, Madhya Pradesh, and to remove the defects of disqualification if any as Directors, imposed under Section 164(2) of the Companies Act, 2013.

9. In view of the above, the instant Appeal is allowed, and the Registrar of Companies, Gwalior, Madhya Pradesh, is directed to restore the name of the Company in the Register of Companies upon Appellant 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




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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.

10. The Appeal stands disposed of accordingly.

Signature:


Ms. Manorama Kumari,
Member (Judicial)

Signature:


Sri Bikki Raveendra Babu,
Member (Judicial)

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