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**NATIONAL COMPANY LAW TRIBUNAL  
AHMEDABAD BENCH  
AHMEDABAD**

**Co. Appeal No. 93/252 (3)/NCLT/AHM/2017**

**Coram: Hon'ble Ms. MANORAMA KUMARI, MEMBER JUDICIAL**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF AHMEDABAD  
BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 16.02.2018**

Name of the Company: Ranjay Kumar Sharma  
(Pragati Engineers and Contractors 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>
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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**

Dated this the 16th day of February, 2018.

**BEFORE NATIONAL COMPANY LAW TRIBUNAL  
AHMEDABAD BENCH**

**Co. Appeal No. 93/252/NCLT/AHM/2017**

**In the matter of:**

Mr. Ranjay Kumar Sharma  
Shareholder of Pragati Engineers  
And Contractors Private Limited  
Registered Office at  
103, Anmol Tower 15/2,  
Old Palasia,  
Indore-452001  
Madhya Pradesh

: Appellant.

Versus

Registrar of Companies,  
Madhya Pradesh (Gwalior)  
III Floor, A Block,  
Sanjay Complex,  
Jayendraganj,  
Gwalior 474009 M.P.

: Respondent.

Order delivered on 16<sup>th</sup> February, 2018.

**Coram: Hon'ble Ms. Manorama Kumari, Member (J).**

**Appearance:**

Mr. Shilpesh Dalal, learned PCS for the Appellant.  
None present for Registrar of Companies.

**ORDER**

1. The Appellant abovenamed, who is Shareholder, by way of this Appeal, seeks for restoration of the Company, namely, M/s. Pragati Engineers and Contractors Private Limited, which was struck off from the Register of Companies by the Registrar of Companies, Gwalior, Madhya Pradesh ["ROC" for short].

*Alkumar*

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 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.

3. It is stated by the Appellant that the Company carries on the business of engineering, contracting and construction. According to the Appellant, the company's name was struck off by the Registrar of Companies due to defaults in statutory compliances namely failure to file Financial Statements and Annual Returns for the period 2014, 2015 and 2016; the Company undertakes to comply with the requirements of filing Financial Statements, Balance Sheets etc., and the Company will be seriously prejudiced if not restored to the Registrar of Companies.

3.1. The Appellant has filed along with the Appeal, list of Shareholders and Directors of the Company; copies of Acknowledgements and Income Tax Returns for Assessment Years 2014-15 and 2015-16; copies of Financial Statements for the year ended from 31<sup>st</sup> March, 2014 to 31<sup>st</sup> March, 2016; and Bank Statements.

4. In spite of Notice issued and served on the ROC, the ROC has not filed any Representation or Report on behalf of the ROC.



5. In pursuance of the orders passed by this Tribunal, the Appellant has filed copy of financial statement for the year ended 31<sup>st</sup> March, 2017 and copy of Auditor's Report.

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. Pragati Engineers and Contractors Private Limited, was struck off on 14<sup>th</sup> June, 2017 from the Register of Companies and the same was published in the Gazette of India. This Appeal was filed on 1<sup>st</sup> December, 2017. Therefore, this Appeal is within time.

7. From the material available on record, the only reason for striking off the name of the Company, M/s. Pragati Engineers and Contractors Private Limited, is that the Company has failed to file Annual Returns and Balance Sheets with the Registrar of Companies for the financial years 2013-14 to 2015-16.

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 Old Palasia, 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. Pragati Engineers and Contractors 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.

*Colman*

10. 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'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)**

Rmr..