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**NATIONAL COMPANY LAW TRIBUNAL  
AHMEDABAD BENCH  
AHMEDABAD**

**Co. Appeal No. 84/252/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: Amit Tarwani  
(Glorious Brands Sales Pvt. Ltd)  
V/s.  
Registrar of Companies

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**

Dated this the 16th day of February, 2018.

**BEFORE NATIONAL COMPANY LAW TRIBUNAL  
AHMEDABAD BENCH**

**Co. Appeal No. 84/252/NCLT/AHM/2017**

**In the matter of:**

Mr. Amit Tarwani,  
Member of  
Glorious Brands Sales  
Private Limited,  
Registered Office at  
38-B, Swami Dayanand Nagar,  
Near Choitram Hospital,  
Indore  
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. Vishal Paliwal, learned CA for the Appellant.  
None present for Registrar of Companies.

**ORDER**

1. The Appellant abovenamed, who is a Member, by way of this Appeal, seeks for restoration of the Company, namely, Glorious Brands Sales Private Limited, which was struck off from the Register

*Manor*

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 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 on 21<sup>st</sup> September, 2017 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. The Appellant has submitted that the Company has been active since incorporation and has filed the statutory returns for the first two years, i.e., 2013 and 2014; the ROC has struck off the Company's name due to defaults in statutory compliances, namely failure to file Financial Statements and Annual Returns for the period 2015 and 2016; and requested to restore the Company by giving opportunity of carrying on the business of the Company.

3.1. The Appellant has filed copies of Financial Statements for Financial Years 2014-15 to 2016-17; Income Tax Returns for Assessment Years 2015-16 and 2016-17; copies of Statement of Bank account and status of Directors; and copy of Certificate of Chartered Accountant. The Appellant also filed copy of Statement of Bank account vide letter dated 15<sup>th</sup> January, 2018.





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. This Appeal is filed by the Appellant under Section 252(3) of the Companies Act and he being Director and Member is entitled to file it seeking restoration of the name of the Company. Therefore, this Appeal is maintainable. The Company, M/s. Glorious Brands Sales Private Limited, was struck off on 21<sup>st</sup> September, 2017 from the Register of Companies and the same was published in the Gazette of India. This Appeal was filed on 29th November, 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. Glorious Brands Sales Private Limited, is that the Company has failed to file Annual Returns and Balance Sheets with the Registrar of Companies for the financial years ended 31<sup>st</sup> March, 2015 and 31<sup>st</sup> March, 2016.
7. 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 Swami Dayanand Nagar, Near Choitram Hospital, Indore, Madhya Pradesh.
8. 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. Glorious Brands Sales 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'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.

10. The Appeal stands disposed of accordingly.

Signature:



**Ms. Manorama Kumari,  
Member (Judicial)**

Rmr..