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**NATIONAL COMPANY LAW TRIBUNAL  
AHMEDABAD BENCH  
AHMEDABAD**

**Co. Appeal No. 14/252(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 19.02.2018**

Name of the Company: Girish P Parulkar  
(GRP Amey Engineering Services Pvt Ltd)  
V/s.  
ROC Gwalior.

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**

  
**BIKKI RAVEENDRA BABU**  
**MEMBER JUDICIAL**

Dated this the 19th day of February, 2018.

**BEFORE NATIONAL COMPANY LAW TRIBUNAL  
AHMEDABAD BENCH**

**Co. Appeal No. 14/252/NCLT/AHM/2018**

**In the matter of:**

Mr. Girish R. Parulkar,  
Member,  
M/s. GRP Amey Engineering Services  
Private Limited,  
Registered Office at  
364, Lokmanya Nagar,  
Indore-452009, 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 19<sup>th</sup> February, 2018.

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

**Appearance:**

Mr. Vishwaskumar Sharma, 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 Member, by way of this Appeal, seeks for restoration of the Company, namely, M/s.

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*As* Page 1 | 5

GRP Amey Engineering Services 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 Public Notice No. 1 dated 10.3.2017 issued in Form No. STK-1 followed by Notice dated 9<sup>th</sup> June, 2017 issued in Form No. STK-7 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. The Appellant has submitted, the Company has neither received the notice for default under Section 137/92/96 of the Companies Act, 2013, i.e., for non-filing of statutory documents nor has it received notice under Section 248(1) for removal of the Company from the ROC; and the Company is carrying on business of engineering with many clients. It is further stated that due to lack of knowledge in the Company Law matters and the Company had not hired services of experts in the field the Company did not complete filing of relevant documents with the ROC; and the Company has no



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mala fide intentions and due to sheer inadvertence the Annual Accounts and Annual Returns could not be completed within the prescribed time.

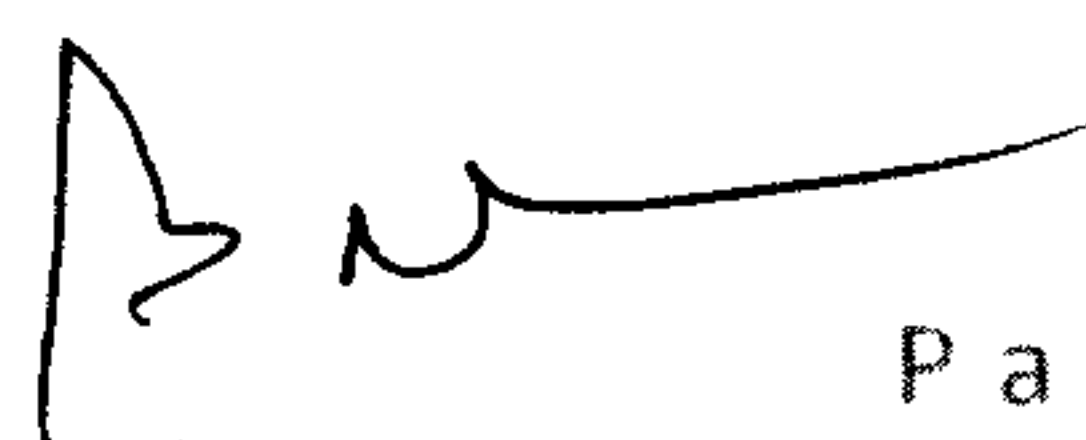
3.1. Along with the Appeal, the Appellant has filed list of Directors and Shareholders; copies of Income Tax Returns till Financial Years 2015-16; copy of Statement of Bank Account showing status; etc.

4. On Notice being issued and served upon the Respondent/ROC, the ROC filed Reply Affidavit dated 31.1.2018 on 5<sup>th</sup> February, 2018 stating that the name of the Company was struck off on suo motu basis on 9<sup>th</sup> June, 2017 due to non-filing of Annual Returns and Balance Sheet for the financial years 2011-12 to 2016-17. The ROC has further stated that the Company has not disclosed the proof of filing of Income Tax Returns.

5. In pursuance of the order of this Tribunal, the Appellant filed Affidavit dated 1<sup>st</sup> February, 2018 on 12<sup>th</sup> February, 2018 showing status of the Directors, and annexed therewith copy of Statement of Bank Account to show its status.

6. This Appeal is filed by the Appellant under Section 252(3) of the Companies Act and he, being a Member, is entitled to file it







seeking restoration of the name of the Company. Therefore, this Appeal is maintainable. The Company, M/s. GRP Amey Engineering Services Private Limited, was struck off on 9<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 10<sup>th</sup> January. 2018. 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. GRP Amey Engineering Services Private Limited, is that the Company has failed to file Annual Returns and Balance Sheets with the Registrar of Companies from the financial year 2011-12 onwards.

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 Lokmanya Nagar, 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. GRP Amey Engineering Services 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.

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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;

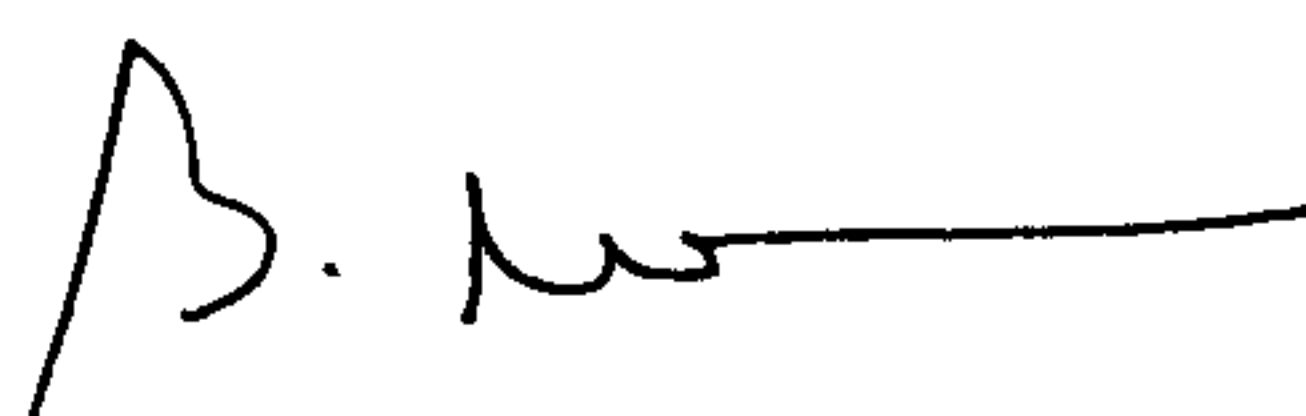
(iii) The Appellant shall also pay an amount of Rs. 10,000/- to the Ministry of Corporate Affairs by way of Demand Draft drawn on Nationalised Bank towards the cost incurred by the Government in striking off the name of the Company within 3 (three) weeks from the date of this order.

11. The Appeal stands disposed of accordingly.

Signature:

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

Signature:

  
**Sri Bikki Raveendra Babu,**  
**Member (Judicial)**