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**NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD**

Co. Appeal No. 54/252/NCLT/AHM/2017

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

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF AHMEDABAD
BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 15.01.2018**

Name of the Company: Shakuntala Enterprise 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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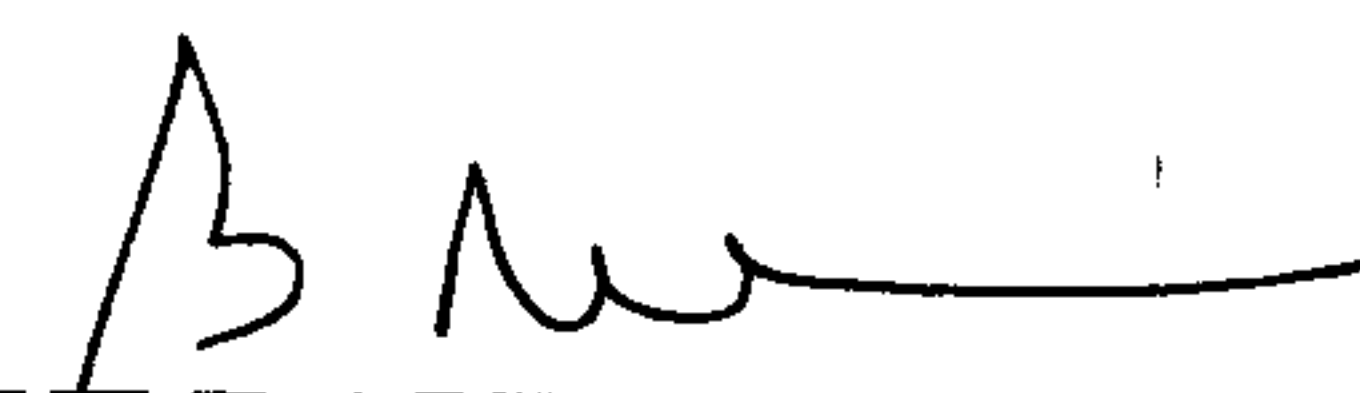
1.

2.

ORDER

None present for Appellant. None present for ROC.

Order pronounced in open Court. Vide separate sheets.


**BIKKI RAVEENDRA BABU
MEMBER JUDICIAL**

Dated this the 15th day of January, 2018.

**BEFORE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH**

Co. Appeal No. 54/252/NCLT/AHM/2017

In the matter of:

M/s. Shakuntala Enterprises
Private Limited,
Registered Office at
36, Nayagaon, Rampur,
Jabalpur,
Madhya Pradesh-482008.

: Appellant.

Versus

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

: Respondent.

Order delivered on 15th January, 2018.

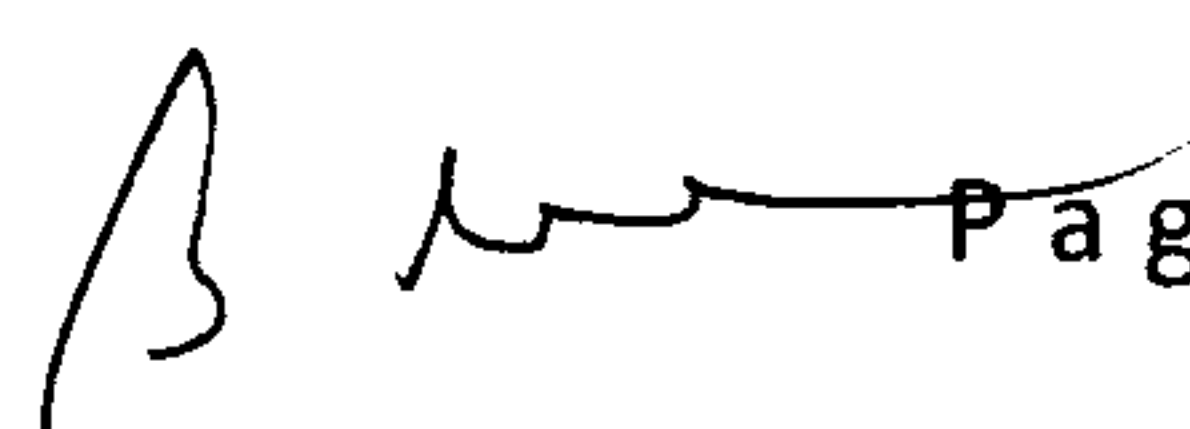
Coram: Hon'ble Sri Bikki Raveendra Babu, Member (J) – And

Appearance:

Mr. Ashish Shah, learned PCS on behalf of Mr. P.K. Mittal, learned Advocate for the Appellant.
None present for ROC.

ORDER

1. This Appeal is filed under Section 252(3) of the Companies Act, 2013 by the Appellant Company through its Director, Mr. Anirudh Vishnoi, duly authorised vide resolution dated 05.09.2017;

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seeking restoration of the name of the Company, namely M/s. Shakuntala Enterprises Private Limited, in the Register of Companies maintained by the Registrar of Companies, Madhya Pradesh, Gwalior. ["ROC" for short].

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

2.1. It is submitted that the Respondent ROC has struck off the name of the Company due to non-filing of Annual Accounts and Returns by the Company since the year 2011; the fact of striking off the name came to the knowledge of the Company in or around August, 2017 when the Appellant Company wanted to file certain statutory forms with the ROC; and no notice was ever issued to the Appellant Company or its Directors as required under the provisions of Section 248(1) of the Companies Act, 2013. According to the Appellant Company, the Company has been carrying on the business and has never been either defunct, in-operative or non-functional. The statutory returns and documents could not be filed due to oversight of the practicing Chartered Accountant and the Company has failed to check the same. The Company would be able to continue its work once the name of the Company is restored.

3. Though notice of hearing was served on the Registrar of Companies, Gwalior, the ROC has not filed his objections.

4. The Appellant Company has filed along with the Appeal, copies of Annual Reports for the year ended 31.3.2012 to 31.3.2016; copies of Income Tax Returns for the Assessment Years 2012-13 to 2016-17; copy of Bank Statement of the Company etc. The Director of the Company has also filed an Additional Affidavit dated 8th December, 2017.

5. This Appeal is filed by the Company under Section 252(3) of the Companies Act. The Appellant being a Director is entitled to file Appeal seeking restoration of the name of the Company.

Therefore, this Appeal is maintainable. The Company, M/s. Shakuntala Enterprises Private Limited, was struck off on 10.3.2017 vide Public Notice issued in Form No. STK-5 from the Register of Companies. This Appeal was filed on 30th October, 2017. Therefore, this Appeal is within time.

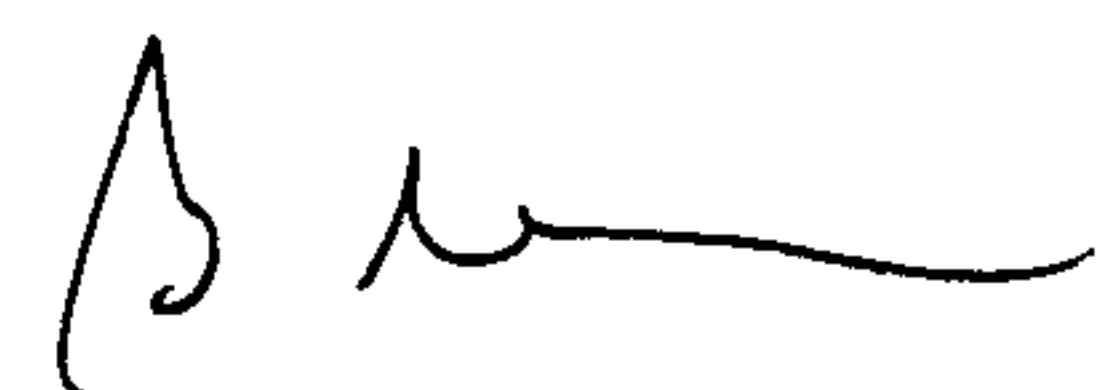
6. From the material available on record, the only reason for striking off the name of the Appellant Company, M/s. Shakuntala Enterprises Private Limited, is that the Company has failed to file Annual Accounts and Returns since the year 2011.

7. The material on record also goes to show that the Company is an ongoing concern and has been doing business.

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. Shakuntala Enterprises Private Limited, in the Register of Companies maintained by the ROC, Gwalior, Madhya Pradesh, and also to remove the defects of disqualification if any as Directors, imposed under Section 164(2) of the Companies Act, 2013, and accordingly there shall be directions. The Company's name shall be restored upon the 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;

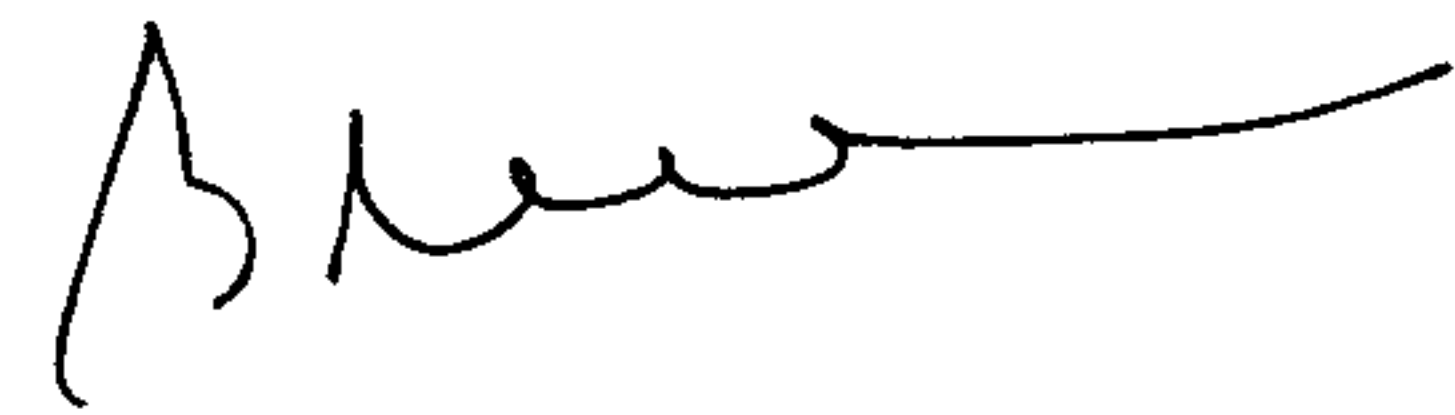
(ii) The Appellant shall publish a Notice in leading newspapers circulating in the District as well as in the Official Gazette of the Government of India with regard to the restoration of the name of the Company in the Register of Companies maintained by the Office of the Registrar of Companies, as per the draft notice 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.

9. The Appeal stands disposed of accordingly.

Signature:



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

Rmr..