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**NATIONAL COMPANY LAW TRIBUNAL  
AHMEDABAD BENCH  
AHMEDABAD**

**Co. Appeal No. 37/252/NCLT/AHM/2017**

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 15.01.2018**

Name of the Company: Dhaval Bahti & Anr.  
V/s.  
Registrar of Companies, Gujarat.

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> |
|--------------|-------------------------------|--------------------|-----------------------|------------------|
|--------------|-------------------------------|--------------------|-----------------------|------------------|

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 15th day of January, 2018.

  
**BIKKI RAVEENDRA BABU  
MEMBER JUDICIAL**

**BEFORE NATIONAL COMPANY LAW TRIBUNAL  
AHMEDABAD BENCH**

**Co. Appeal No. 37/252/NCLT/AHM/2017**

**In the matter of:**

M/s. Rex Environment Science Private Limited

**In the matter between :**

1. Mr. Dhaval Bhati  
S/o. Shri Chandubhai Bhati,  
R/o. D-31, Greenwood,  
Nayan Soc., Sola Bhagavati  
Shandeep Soc. Nandishvar,  
Thaltej, Ta.Dascroi,  
Ahmedabad-380059

2. Ms. Ranjan Bhati,  
D/o. Shri Kantilal Danani  
R/o. 13, Shadhna Society,  
Shahibag,  
Ahmedabad-380013

: Appellants.

Versus

The Registrar of Companies, Gujarat,  
Dadra & Nagar Haveli,  
ROC Bhavan, Opp: Rupal Park Society,  
Behind Ankur Bus Stop, Naranpura,  
Ahmedabad-380013.

: Respondent.

Order delivered on 15<sup>th</sup> January, 2018.

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



**Appearance:**

Mr. Naveen Mandovara, learned FCA for the Appellant.  
None present for ROC.

**ORDER**

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

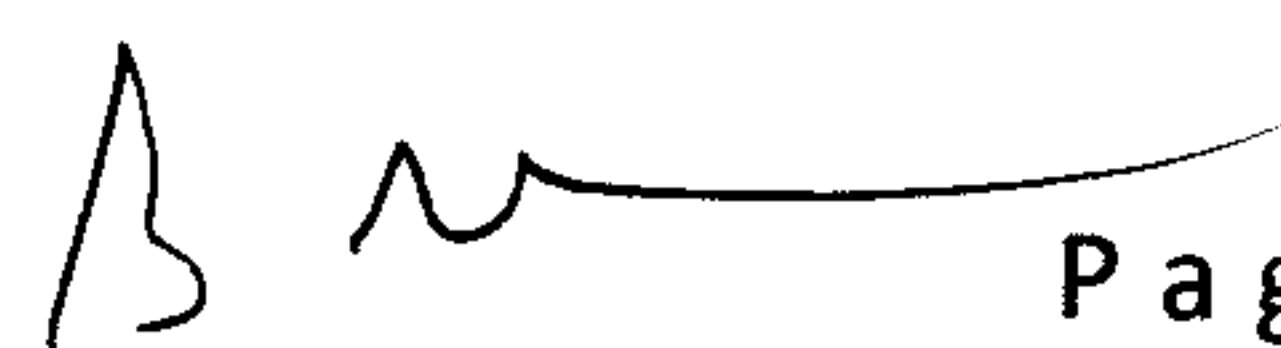
1. This Appeal is filed under Section 252(3) of the Companies Act, 2013 by the Appellants, seeking restoration of the name of the Company, i.e., M/s. Rex Environment Science Private Limited, as its Member in the Register of Companies maintained by the Registrar of Companies, Gujarat, Dadra & Nagar Haveli, Ahmedabad ["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. 248(1)/2017 dated 09/3/2017, issued notice in Form STK-5 on 25.4.2017 under sub-section (1) and (2) of Section 248 of the Companies Act had shown intention to remove the name of the Company from the Register of Companies. Thereafter, the ROC vide another Notice in Form No. STK-7 bearing No. ROC/AHMD/248(5)/STK-7/5934 dated 21.6.2017 has struck off the name of the Company from the Register of Companies.

2.2. According to the Appellants, the Company had not received the Notice in Form No. STK-5 dated 9.3.2017. The Appellants submitted that the Company is doing its ordinary course of business and has recently executed various work orders of reputed companies/entities like Airports Authority of India, etc.; the Company has some other work orders in hand for execution; and has also filed Annual Returns and Balance Sheets and Profit and Loss Accounts up to Financial Year 2011-12 with the ROC; due to inadvertence and lack of knowledge the Company failed to file the



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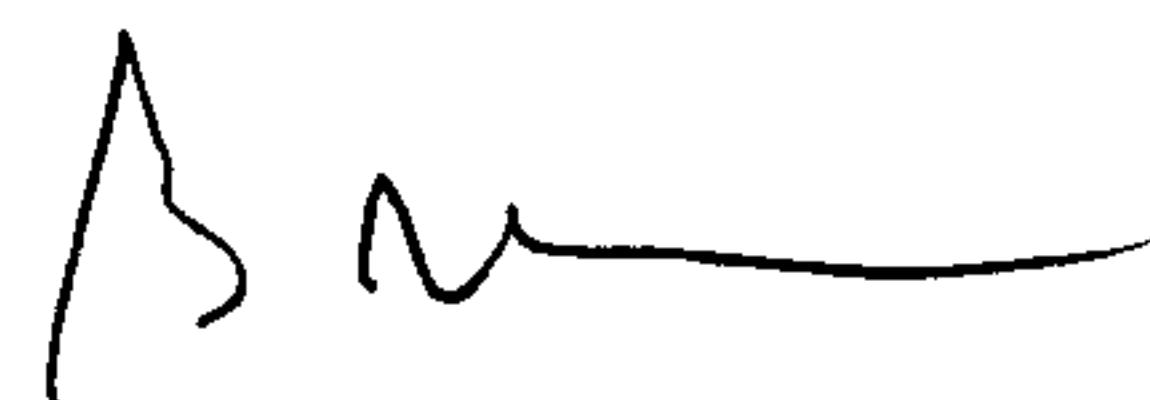


above statutory returns and documents for the financial years 2012-13 to 2015-16; and if the Company is not restored, it will adversely affect the lively earning of workers, employees, stakeholders etc.

3. Upon issuance of notice, the ROC has filed Representation dated 13<sup>th</sup> November, 2017 through his Deputy Registrar wherein he has denied the allegations and contentions raised in the Appeal, and represented that as the Company has failed to file its statutory returns since financial year 31.3.2012 notices dated 6.3.2017/9.3.2017 and 25.4.2017 were issued on the Company, and finally its name was struck off vide notice issued under Section 248(5) of the Act on 21.6.2017 and the same was published in the Official Gazette of Government of India.

4. The Appellants along with the Appeal has filed copies of Income Tax Returns for the Assessment Years 2013-14 to 2015-16. The Appellant has also filed Income Tax Return for the Assessment Year 2016-17 on 20<sup>th</sup> November, 2017. The Appellants also filed an Affidavit on 14<sup>th</sup> November, 2017 stating that the Bank accounts of the Company maintained with Kotak Mahindra Bank Limited and Union Bank of India are frozen and filed copies of Statements of Bank Accounts.

5. This Appeal is filed by the Company under Section 252(3) of the Companies Act. The Appellants being members are entitled to file Appeal seeking restoration of the name of the Company. Therefore, this Appeal is maintainable. The Company, M/s. Rex Environment Science Private Limited was struck off on 21<sup>st</sup> June, 2017 from the Register of Companies and the same was published in the Gazette of India. This Appeal was filed on 27<sup>th</sup> September, 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. Rex Environment Science Private Limited is that the Company has failed to file its statutory returns since 31.3.2012.

7. The material on record also goes to show that the Company is an ongoing concern and has been doing business. The Registered Office of the Company is situated at 501, Nirman House, Nr. Times of India, Ashram Road, Ahmedabad.

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. Rex Environment Science Private Limited, in the Register of Companies maintained by the ROC, Gujarat, Ahmedabad; to remove the defects of disqualification if any as Directors, imposed under Section 164(2) of the Companies Act, 2013; and also to issue direction for de-freezing the Bank Accounts of the Company, and accordingly there shall be directions. The Company's name shall be restored upon the Appellant complying with the following conditions;

(i) The Appellants shall file all over due statutory returns with fee and additional fee as required under the Companies Act;

(ii) The Appellants 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 Appellants shall also pay an amount of Rs. 10,000/- to the Ministry of Corporate Affairs by way of Demand Draft drawn

*Skumar*

*B* Page 4 | 5

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:



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

Signature:



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

Rmr..