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**NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD**

Co. Appeal No. 75/252/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: Shekhar Raghunath Kale.
(Triple Pee Solution 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

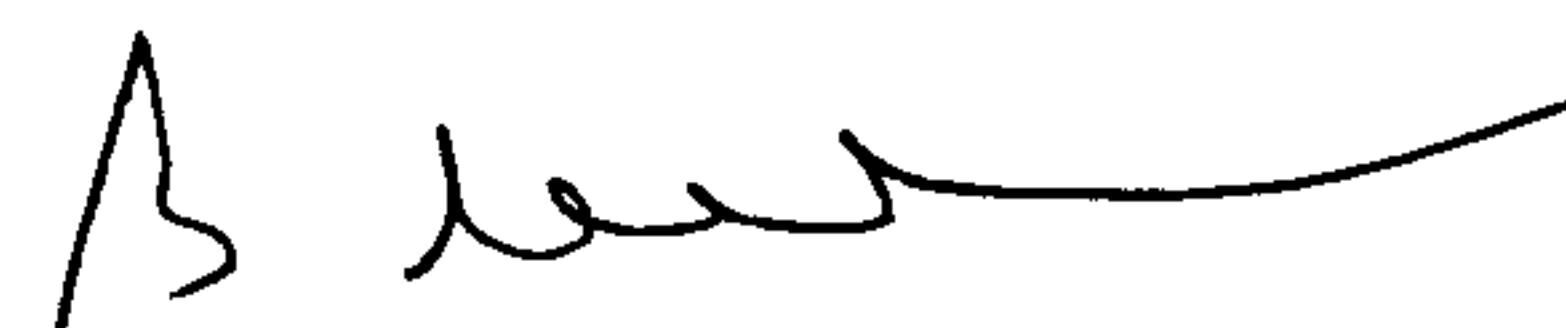
None present for Appellant. None present for ROC.

Order pronounced in open court. Vide separate sheets.



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. 75/252/NCLT/AHM/2017

In the matter of:

M/s. Triple Pee Solutions Private Limited.

In the matter between :

Mr. Shekhar Raghunath Kale,
6, Deshmukh Colony,
City-Satara,
Maharashtra State-415001

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

Appearance:

Ms. Anagha Anasingaraju with Ms. Aparna Nene, learned PCSs on behalf of AT & Associates for the Appellant.

None present for ROC. ROC filed his objections.

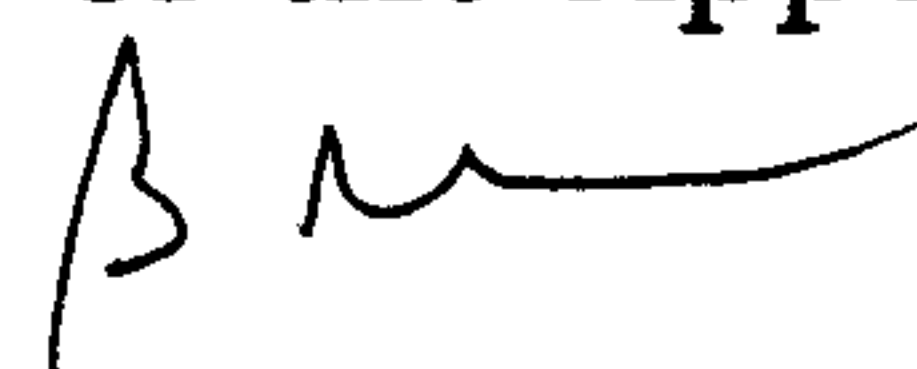
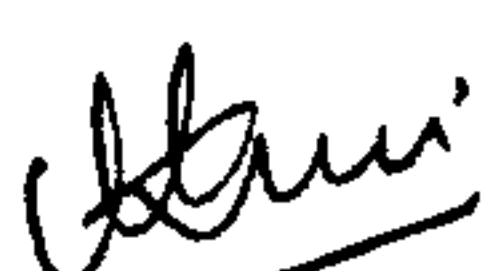
ORDER**[Per: Hon'ble Sri Bikki Raveendra Babu, Member (J).]**

1. This Appeal is filed under Section 252(3) of the Companies Act, 2013 by the Appellant, Mr. Shekhar Raghunath Kale, being director/ shareholder seeking restoration of the name of the Company, i.e., M/s. Triple Pee Solutions Private Limited as its Director and Shareholder, 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 to file this Appeal, are as follows;

2.1. It is submitted by the Appellant that the Company had received a Letter No. ROC-G/U/S248(1) dated 10th March, 2017 by way of notice of default from the ROC, stating that the Company has failed to commence its business within one year of its incorporation, or the company was not carrying on any business or operation for a period of two immediately preceding financial years and has not made any application within such period for obtaining the status of a dormant company under Section 455 and asked the Company to forward the representation of the Company along with relevant documents within thirty days from the receipt thereof. Pursuant to such notice, the Company vide its Reply letter dated March 25, 2017 addressed to the Dy. Registrar of Companies, Gwalior, stated that it has finalised its Financial Statements for the Financial Years 2014-15 and 2015-16, and showed the reasons for non-filing of Financial Statements and other related documents within due time and by requesting the ROC to not to remove the name of the Company sought extension of time for completion of compliances.

2.2. It is further submitted that the ROC by Public Notice No. ROC-G/248(5)/2017/2771 dated 26th May, 2017 issued under sub-section (5) of Section 248 of the Companies Act, 2013, struck off the name of the Company from the Register of Companies, Gwalior, and such fact of removal came to the knowledge of the Appellant when

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the Appellant wanted to upload forms for the annual filing of documents on the MCA Portal. According to the Appellant, the Company could not file the statutory returns and other documents due to inadvertence, i.e., lack of knowledge in the Company Law matters as the Company had not hired services of experts in the field. The Appellant has further submitted that the Company has no mala fide intention in non-filing of Annual Accounts which could not be filed within the prescribed time. The Appellant has also stated that it is a going concern and the livelihood of 17 families is dependent on the business of the Company; the Directors have also invested funds by way of unsecured loans; that no public interest is involved in the Company; and the Company, its members, customers, creditors and employees would be at irreparable loss and hardship if the Company is not revived.

3. Upon issuance of notice, the ROC has filed his Report dated 12th December, 2017 before the Registry of this Tribunal on 15th December, 2017, stating that the Company's name was struck off on suo motu basis due to non-filing of Annual Returns and Balance Sheet for the financial years 2014-15 to 2016-17; that the Company has not furnished information such as Payroll of its employees, their salaries, turnover of the company from its operations for the year 2015-16 as per its audited financial statement, etc.

4. The Appellant has filed copy of the Audited Financial Statement for the year 2015-16; copies of Acknowledgments for filing of Income Tax Returns for the financial years 2014-15, 2015-16, and 2016-17; copy of Affidavit of the Appellant showing status of Bank account and status of the Company and its Directors; copies of Bank statements from January 2017 till operations etc.

5. This Appeal is filed by the Company under Section 252(1) of the Companies Act. The Appellant being Director and shareholder of the Company is entitled to file Appeal seeking restoration of the



name of the Company. Therefore, this Appeal is maintainable. The Company, M/s. Triple Pee Solutions Private Limited was struck off on 26th May, 2017 from the Register of Companies and the same was published in the Gazette of India. This Appeal was filed on 14th November, 2017. Therefore, this Appeal is within time.

6. From the material available on record, the main reasons for striking off the name of the Appellant Company M/s. Triple Pee Solutions Private Limited, are that the Company has not filed Annual Returns and Balance Sheet for the financial years from 2014-15 to 2016-17, and the Company has failed to furnish certain information relating to its employees and turnover with the Office of the ROC.

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, Block 2/2, E-3, Arera Colony, Nupur Kunj, Bhopal, 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. M/s. Triple Pee Solutions Private Limited, in the Register of Companies maintained by the ROC, Gwalior, Madhya Pradesh, 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.

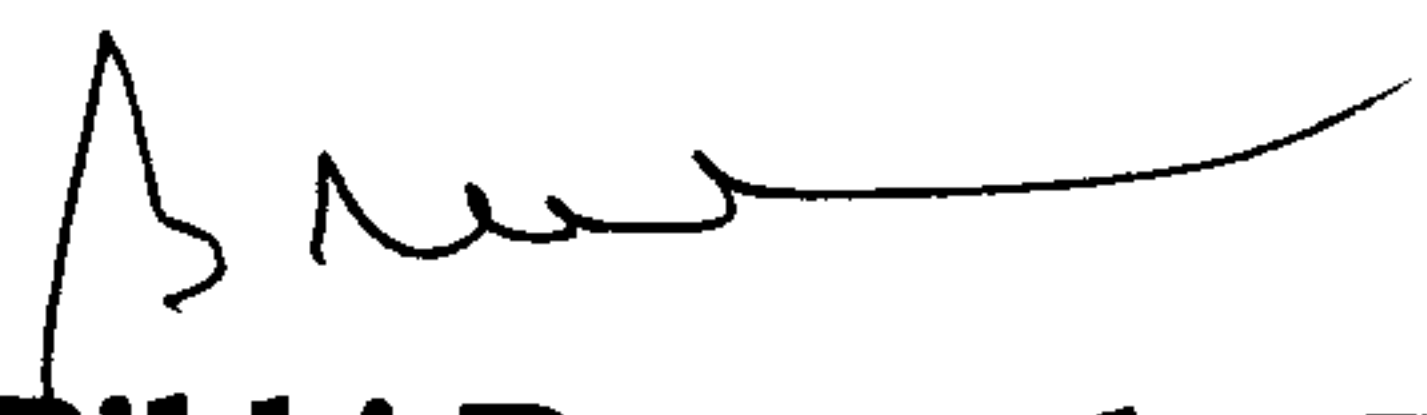
9. The Appeal stands disposed of accordingly.

Signature:


Ms. Manorama Kumari,
Member (Judicial)

Rmr..

Signature:


Sri Bikki Raveendra Babu,
Member (Judicial)