

**NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD**

Co. Appeal No. 12/252(3)/NCLT/AHM/2017

Coram:

**Present: 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 06.06.2017**

Name of the Company: Savitri Jajoo & Anr.
V/s.
Registrar of Companies, 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.

Order pronounced in open Court. Vide separate sheet.


BIKKI RAVEENDRA BABU
MEMBER JUDICIAL

Dated this the 6th day of June, 2017.

Company Appeal No. 12/252/NCLT/AHM(MP)/2017

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD**

CORAM: SHRI BIKKI RAVEENDRA BABU, MEMBER JUDICIAL

Company Appeal No. 12/252/NCLT/AHM(MP)/2017

Order under section 252 of the Companies Act, 2013

In the matter of: **Jajoo Mettix Private Limited**

Mrs. Savitri Jajoo
Mrs Veena Rathi,

... Appellants.

V/s.

Registrar of Companies, Madhya Pradesh, Gwalior

... Respondent

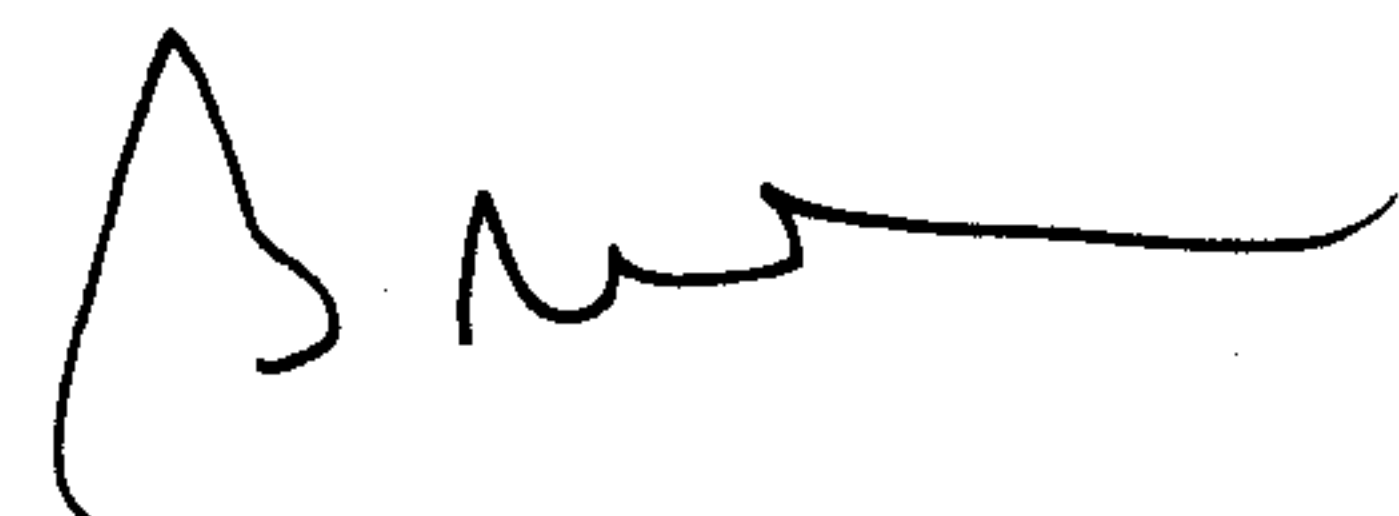
Appearance:

1. Prathi Tripathi, Ld. PCS for Appellants.
2. None appeared for Respondent.

FINAL ORDER

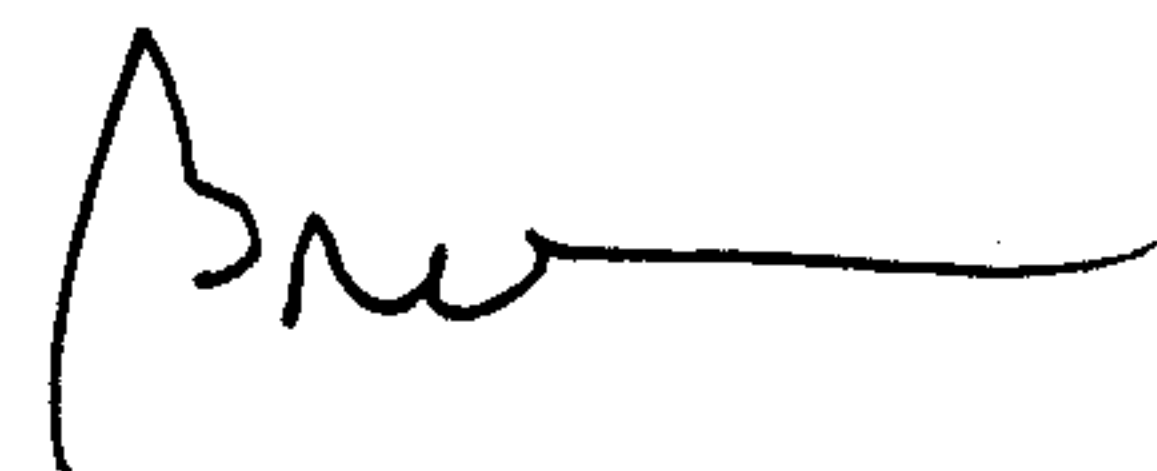
Pronounced on 06.06.2017

1. The two directors of Jajoo Mettix filed this Appeal under section 252(3) of the Companies Act, 2013 seeking directions to Registrar of Companies, Madhya Pradesh to restore the name of the company "Jajoo Mettix Private Ltd. to the Register of companies.
2. The Facts in brief that lead to the filing of this Appeal are as follows:
 - a) The company was incorporated as Private Limited company on 13.12.1985 under the provisions of Companies Act, 1956. Its registered office is in Indore, Madhya Pradesh.



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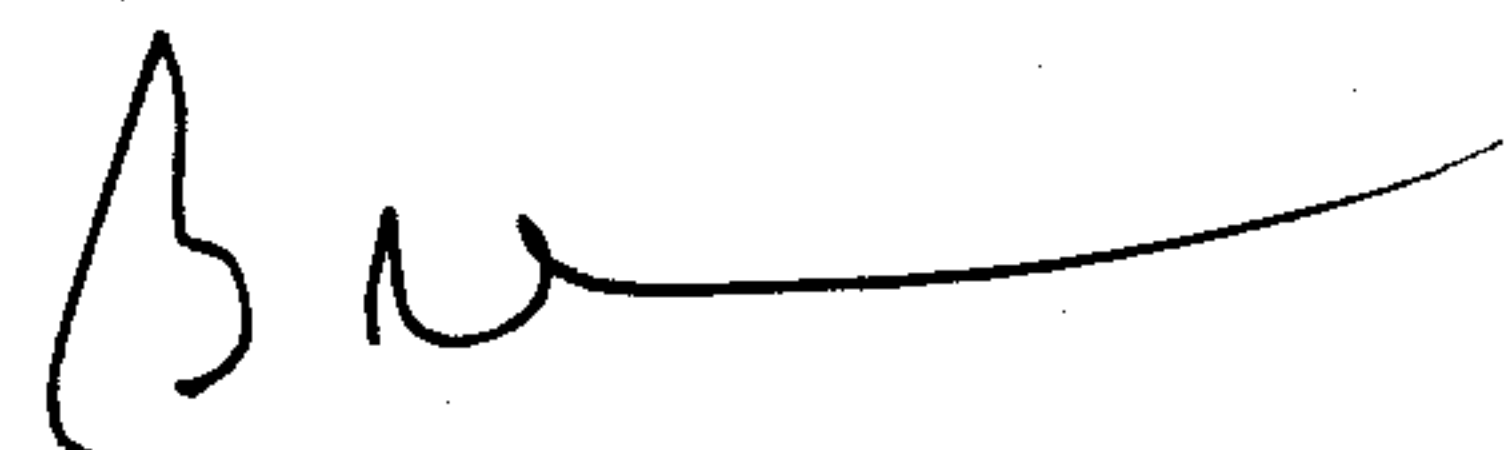
- b) The authorized issued, subscribed and paid up share capital is 1,00,000/- divided into 1,000 equity shares of Rs. 100/- each. The entire share capital was held by both the appellants. Both the appellants were directors of the company. They use to manage the company till 23.08.2010. The last audited balance sheet of the company was filed for the Financial Year 2008-2009 on 02.08.2010.
- c) The board of Directors of the company in their meeting held on 02.08.2010 decided to apply to the Registrar of Companies, Madhya Pradesh to strike off the name of the company from the register of companies under easy exit scheme and form EES along with board resolution was filed with Registrar of Companies, Madhya Pradesh. Basing on the said form the Registrar of Companies, Madhya Pradesh, struck of the name of the company from the register of companies on 02.03.2011.
- d) It is stated in the petition that now the appellants want to revive the company since it is advantageous and favourable to them to have same company name for extending their business activities.
- e) Appellants gave notice and served copy of the petition to the Registrar of Companies, Madhya Pradesh and filed proof of service. This tribunal also directed the Appellants to serve notice to Registrar of Companies, Madhya Pradesh and inform the date of hearing. Accordingly, Appellants serve notice on respondent and filed proof of service. The matter was heard on 15.05.2017.
- f) On 02.06.2017 Registrar of Companies, Madhya Pradesh by mail sent the reply stating that the Registrar of Companies, Madhya Pradesh has no objection to restore the company and



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direct the company to file its all pending balance sheet and annual returns for the Financial Year 2009-10 to 2015-16 as per the requirements of Companies Act, 2013.

3. The order striking of the company from the register of companies was passed on 02.03.2011, under section 560(5) of the Companies Act, 1956. The corresponding provisions in the Companies Act, 2013 is section 248. ~~As per~~ section 560(6) enables any member of the company aggrieved by the order striking of the company, before the expiry of 20 years from the date of publication in the official gazette, the order striking of the company, may file an application before the Tribunal. In the new companies Act, the corresponding provision is section 252 (3), which came into force w.e.f. 26.12.2016. Even as per section 252(3) of the companies Act, 2013, a member of the company can file application to restore the name of the company to the Register of Companies before the expiry of 20 years from the date of publication of striking of order in the Official Gazette.
4. In the case on hand the appeal is filed within time. The Registrar of Companies, Madhya Pradesh stated that the application be allowed restoring the name of the company. The ground pleaded is that applicants wants to start the business again in the name of same company for sentimental reasons and for advantage in business.
5. In view of the above discussion, this Tribunal is of the considered view there are sufficient grounds to restore the name of the company to the Register of company with directions to file balance sheet and Annual Return for the Financial Year 2009-2010 to 2015-2016 as per the provisions of the companies Act, 2013.
6. In the result this petition is allowed directing the Registrar of Companies, Madhya Pradesh to restore the name of M/s. Jajoo Mettex Private Ltd. in the register of companies maintained by him.



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Appellants shall file balance sheet and Annual Return for the Financial Year 2009-2010 to 2015-2016 as per the provisions of the Companies Act, 2013. There is no order as to Costs.


BIKKI RAVEENDRA BABU
MEMBER JUDICIAL

Pronounced by me in open court
on 6th June 2017