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**NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD**

Co. Appeal No. 51/252(3)/NCLT/AHM/2018

**Coram: Hon'ble Mr. HARIHAR PRAKASH CHATURVEDI, 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 20.03.2018**

Name of the Company: Kailash Ramkishan Gupta.
(Neptune World Trade Finance & Investments Pvt Ltd)
V/s.
ROC Gujarat.

Section of the Companies Act: Section 252(3) of the Companies Act, 2013


S.NO. NAME (CAPITAL LETTERS) DESIGNATION REPRESENTATION SIGNATURE


1.
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2.

ORDER

None present for Appellant. None present for ROC.

The order is pronounced in open Court. Vide separate sheets.


**MANORAMA KUMARI
MEMBER JUDICIAL**


**HARIHAR PRAKASH CHATURVEDI
MEMBER JUDICIAL**

Dated this the 20th day of March, 2018.

**BEFORE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH**

Co. Appeal No. 51/252(3)/NCLT/AHM/2018

In the matter of:

Neptune World Trade Finance & Investments Pvt. Ltd.

In the matter between:

Kailash Ramkishan Gupta
Anjana Kailash Gupta &
Poonam Kailash Gupta all residing at
A-1. Amardeep Flats,
Opp. Fatehpura Garden
Paldi
AHMEDABAD 380 007

: Appellants

Versus

Registrar of Companies,
RoC Bhavan
Opp. Rupal Park
Nr. Ankur Char Rasta,
Naranpura
AHMEDABAD 380 013

Respondent

Order delivered on 20th March, 2018.

**Coram: Hon'ble Mr. Harihar Prakash Chaturvedi, Member (J)
Hon'ble Ms. Manorama Kumari, Member (J)**

Appearance:





Learned PCS Mr. Hitesh Buch present for appellant. None present for ROC

ORDER

(Per : Hon'ble Ms. Manorama Kumari, Member Judicial)

1. By way of this Appeal, members/Directors of the Company namely, Neptune World Trade Finance & Investments Private Limited, seeks for restoration of the name of the Company which was struck off from the Register of Companies by the Registrar of Companies, Ahmedabad, Gujarat ["ROC" for short].
2. The facts in brief, which necessitated the Appellants to file this Appeal, are as follows;
3. It is stated that the ROC vide Public Notice No. ROC/AHMD/248(5)/STK/4201 dated 21.06.2017 issued in Form No. STK-7 followed by final notice 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 with effect from 21.06.2017 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.





4. The Appellant has submitted that the ROC has struck off the Company's name from the Register of Companies due to defaults in statutory compliances, namely failure to file Financial Statements and Annual Returns for the years 2010-11 onwards. The Appellant has further submitted copy of bank statement, latest income-tax return, copy of audited financial statements for 2016-17, consent of all shareholders etc.

5. On Notice being issued and order of notice being served on the ROC, the ROC filed Representation dated 14th March, 2018 wherein while denying the allegations made and contentions raised in the Appeal, the ROC has represented that the Company has failed to file its statutory returns viz., Balance Sheets and other returns with the ROC since incorporation and hence the name of the Company has been struck off.

6. This Appeal is filed by the Appellants under Section 252(3) of the Companies Act and he being a Shareholder is entitled to file the Appeal seeking restoration of the name of the Company. Therefore, this Appeal is maintainable. The Company, Neptune World Trade Finance & Investments Private Limited, was struck off on 21st June, 2017 from the Register of Companies and the same was published in the Gazette of India. This Appeal was filed on 7th March, 2018. Therefore, this Appeal is within time.





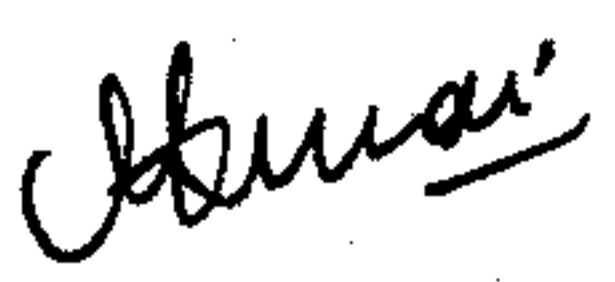
7. From the material available on record, the only reason for striking off the name of the Company, Neptune World Trade Finance & Investments Private Limited, is that the Company has failed to file Annual Returns and Balance Sheets with the Registrar of Companies since its incorporation.
8. The material 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 Office No. 1, 4th Floor, H K House, B/h. Jivabhai Chambers, Ashram Road, Ahmedabad 380 009.
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 Neptune World Trade Finance & Investments Private Limited in the Register of Companies maintained by the ROC, Ahmedabad, Gujarat, and to remove the defects of disqualification, if any, as Directors, imposed under Section 164(2) of the Companies Act, 2013.
10. In view of the above, the instant Appeal is allowed and the Registrar of Companies, Ahmedabad, Gujarat, is directed to restore the name of the Company in the Register of Companies upon Appellant's complying with the following conditions;

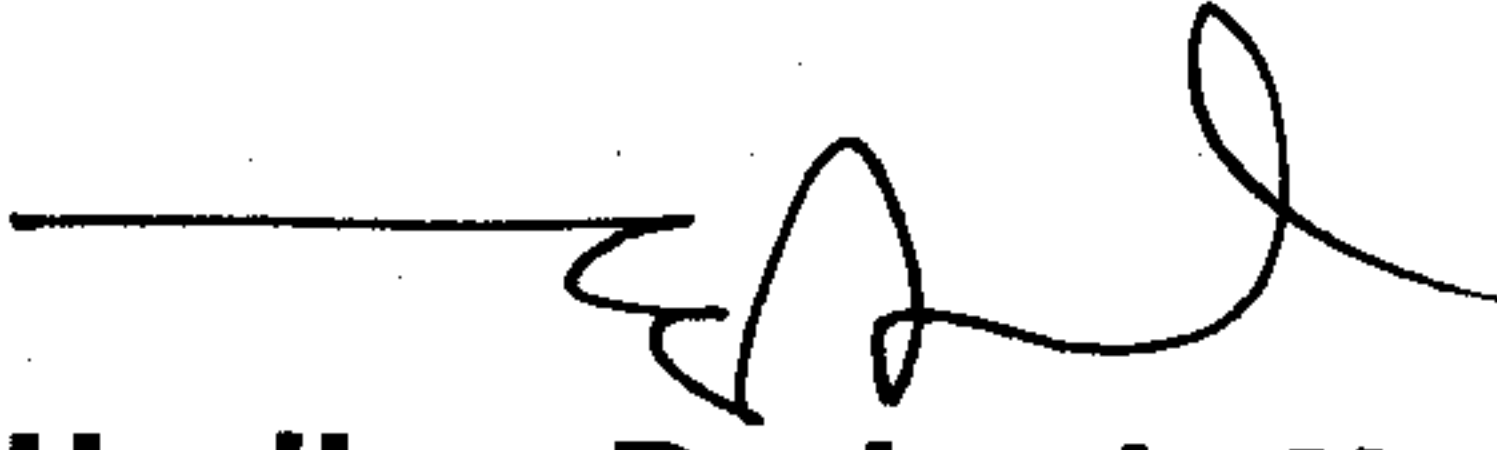
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- (i) The Appellant shall file all over due statutory returns with fee and additional fee as required under the Companies Act; and other laws within stipulated period stated therein, or within 90 days from the receipt of an authentic copy of this order and after restoration of its name in the Register of ROC, Ahmedabad.
- (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. 25,000/- 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 and shall file compliance.

11. The Appeal stands disposed of accordingly.


Ms. Manorama Kumari,
Member (Judicial)


Harihar Prakash Chaturvedi,
Member (Judicial)

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