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**NATIONAL COMPANY LAW TRIBUNAL  
AHMEDABAD BENCH  
AHMEDABAD**

**Co. Appeal No. 17/252(3)/NCLT/AHM/2018**

Coram: **Hon'ble Ms. MANORAMA KUMARI, MEMBER JUDICIAL**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF AHMEDABAD  
BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 01.03.2018**

Name of the Company: Vineet Sethia & Anr.  
(Shakti Lighting Pvt Ltd)  
V/s.  
ROC.

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. None present for ROC.

Order pronounced in open court. Vide separate sheets.

  
**MANORAMA KUMARI  
MEMBER JUDICIAL**

Dated this the 1st day of March, 2018.

**BEFORE NATIONAL COMPANY LAW TRIBUNAL  
AHMEDABAD BENCH**

**Co. Appeal No. 17/252(3)/NCLT/AHM/2018**

**In the matter of:**

Shakti Lighting Private Limited.

**In the matter between:**

1. Mr. Vineet Sethia  
646 Vijay Nagar,  
Annapurna Road  
Indore 452 009 (M.P.)

2. Mr. Kapil Mittal  
21/3, Old Palasia  
Indore 452 001 (M.P.)

Appellants

**Versus**

Registrar of Companies,  
Jayendra Ganj, Sanjay Complex  
Gwalior (M.P.)

Respondent.

**Order delivered on 1st March, 2018.**

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

**Appearance:**

Ms. Natasha D. Shah, learned advocate with learned FCA Mr.  
Kaushal Agarwal for the Appellants.

None present for Registrar of Companies.



**ORDER**

1. By way of this Appeal, members/Directors of the Company namely, Shakti Lighting 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, Gwalior, Madhya Pradesh ["ROC" for short].

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

2.1. It is stated that the ROC vide Public Notice No. ROC-G/248(5)/2017/2949 dated 14.06.2017 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 14.06.2017 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.

2.2. The Appellants have submitted that the Company has been continuously carrying on the business since its incorporation; the Company regularly filed various returns with various Government departments; got its accounts regularly audited; and due to inadvertence of the management of the Company the Balance Sheets



and Profit and Loss Accounts and Annual Returns were not filed for the period from 2010-11 to 2016-17; and there was no mala fide intention on the part of the management of the Company for non-filing of such documents.

2.3. Along with the Appeal, the Appellants have filed copies of Balance Sheet, Profit & Loss Account for all the financial years from 2010-11 to 2016-17 and Auditor's report & Audited Balance Sheet for the financial year 2010-11 to 2016-17.

3. In reply to the notice, ROC has filed affidavit in reply dated 09.02.2018 stating that appeal may be decided on merit subject to filing of Balance Sheet due from the financial year 2010-11 onwards with additional fees as per the requirement of the Companies Act 2013/1956.

4. This Appeal is filed by the Appellants under Section 252(3) of the Companies Act who are Directors/Shareholders and are entitled to file the Appeal seeking restoration of the name of the Company. Therefore, this Appeal is maintainable. The Company, Shakti Lighting Private Limited was struck off with effect from 14.06.2017 from the Register of Companies and the same was published in the Gazette of India. This Appeal was filed on 13.02.2018. Therefore, this Appeal is within time.

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5. From the material available on record, the only reason for striking off the name of the Company, M/s. Shakti Lighting Private Limited is that the Company has failed to file statutory documents such as Annual Returns and Balance Sheets with the Registrar of Companies.

6. 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 Indore, Madhya Pradesh.

7. 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. Shakti Lighting Private Limited in the Register of Companies maintained by the ROC, Gwalior, Madhya Pradesh, and to remove the defects of disqualification, if any, as Directors, imposed under Section 164(2) of the Companies Act, 2013.

8. In view of the above, the instant Appeal is allowed and the Registrar of Companies, Gwalior, Madhya Pradesh is directed to restore the name of the Company in the Register of Companies upon Appellants' 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;

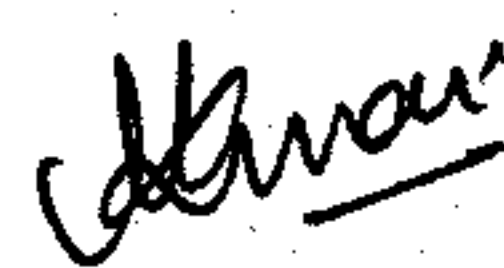


(ii) The Appellant shall publish a Notice in leading newspapers circulating in the District as well as in the Official Gazette of the Government of India with regard to the restoration of the name of the Company in the Register of Companies maintained by the Office of the Registrar of Companies, as per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

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