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NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD

Co. Appeal No. 62/252(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 04.04.2018

Name of the Company: Rakesh Baluram Lahoti.
(Greygold Projects Pvt Ltd)
V/s.
ROC, Gujarat

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>
1.	Kena Sharma	PCS	Applicant	Kena Sharma
2.				

ORDER

Learned PCS Ms. Kena Sharma present for the Appellant. None present for the ROC.

Order pronounced in the open Court. Vide separate sheets.


MANORAMA KUMARI
MEMBER JUDICIAL


HARIHAR PRAKASH CHATURVEDI
MEMBER JUDICIAL

Dated this the 4th day of April, 2018.

**BEFORE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH**

Co. Appeal No. 62/252(3)/NCLT/AHM/2018

In the matter of:

Greygold Projects Private Limited.

In the matter between:

1. Rakesh Lahoti
14, Mezannine Floor
Jyoti Plaza, Nr. Shyamal Cross Road
Satellite
Ahmedabad, Gujarat : Appellant

Versus

Registrar of Companies,
ROC Bhavan
Opp. Rupal Park
Nr. Ankur Bus Stand
Naranpura
Ahmedabad 380 013 Respondent

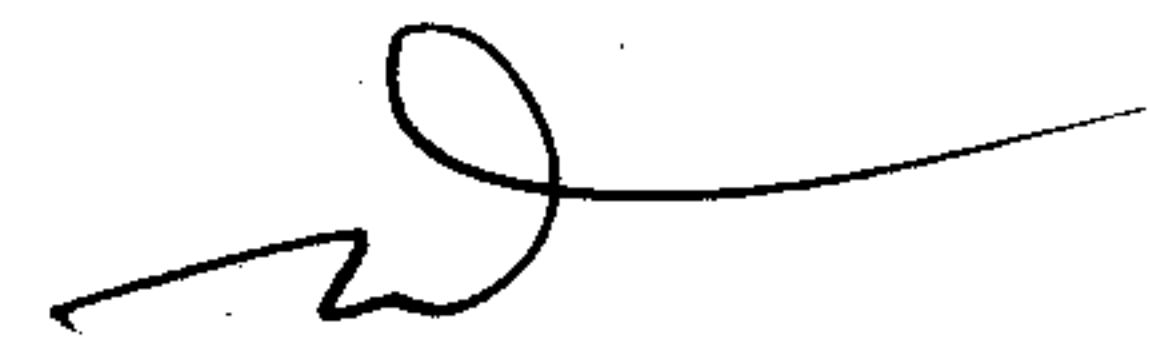
Order delivered on 04th April, 2018.

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

Appearance:

Mr. Navin Pahwa, learned Senior Advocate with learned Advocate Ms. Ritu Shah i/b Learned PCS Ms. Kena Sharma present for the Appellant
None present for Registrar of Companies.





ORDER

(Per: Hon'ble Mr. Harihar Prakash Chaturvedi, Member (J))

1. By way of this Appeal, member/Director of the Company namely, Greygold Projects 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 Appellant to file this Appeal, are as follows;
3. It is stated that the ROC vide Public Notice No. ROC/AHMD/248(5)/STK-7/PUB/2 dated 03.07.2017 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 03.07.2017 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 submitted that the ROC has struck off the Company's name from the Register of Companies due to its failure to commence its business within one year of its incorporation and not carrying on any business or operation for





a period of two immediately preceding financial years. The Appellant has submitted that the Company seems to be inoperative since the date of incorporation due to some unavoidable circumstances. Moreover, company is not having PAN and Bank Account since incorporation and lapsed getting audited balance sheet, filing income tax return and ROC return with the respective departments.

5. On Notice being issued and order of notice being served on the ROC, the ROC filed Representation dated 08th 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 Appellant under Section 252(3) of the Companies Act and he being a Shareholder/Director is entitled to file the Appeal seeking restoration of the name of the Company. Therefore, this Appeal is maintainable. The Company, Greygold Projects Private Limited, was struck off on 3rd July, 2017 from the Register of Companies and the same was published in the Gazette of India. This Appeal was filed on 15th February, 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, Greygold Projects 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 14, Mezannine Floor, Jyoti Plaza, Nr. Shyamal Cross Road, Satellite, Ahmedabad, Gujarat
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 Greygold Projects 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;

Adhwar

[Signature]

- (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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