

**IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI
BENCH - III**

Appeal No.-465/ND/2018

**Coram: SHRI R.VARADHARAJAN, MEMBER (JUDICIAL)
DR. V. K. SUBBURAJ, MEMBER (TECHNICAL)**

IN THE MATTER OF SECTION 252 OF THE COMPANIES ACT, 2013.

IN THE MATTER OF:

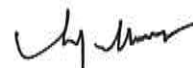
CRANES EXIMS PVT. LTD.

(Appellant)

VERSUS

THE REGISTRAR OF COMPANIES

(Respondent)



MEMO OF PARTIES:
CRANES EXIMS PVT LTD,
B-7 Extension,
Safdarjung Enclave,
115-A, New Delhi – 110029.

...Appellant Company

VERSUS

THE REGISTRAR OF COMPANIES,
4th Floor, IFCI Towers,
Nehru Place, New Delhi – 110019.

...Respondent

For the Appellant : Mr. Gireesh Bhalla, Chartered Accountant

For the Respondent: Mr. Manish Raj, Company Prosecutor

For the Intervener : Ms. Lakshmi Gurung, Standing Counsel for Income Tax



ORDER

Delivered on: 17 .09.2018

1. This is an appeal which has been preferred u/s 252 of the Companies Act, 2013 ("the Act") by the Appellant Company in relation to an order of striking off the name of the Appellant Company passed by the Respondent with effect from 07.06.2017 under the provisions of Section 248 of the Companies Act, 2013. Ld. Counsel for the Appellant represents that the Appellant Company was incorporated under the provisions of Companies Act, 1956 and has its registered office at 3/24, Ground Floor, Kirti Nagar Industrial Area, New Delhi – 110015. It is further submitted by the Appellant Company that on 30.06.2017 in the notice published in the official gazette by the Registrar of Companies ("RoC") the name of the Appellant Company was struck off and the Appellant Company was dissolved with effect from 07.06.2017. The Company was incorporated to carry on the business of importing and exporting readymade garments and fabrics. The Appellant Company admits that it never started its business and never opened a bank account. Further, no annual accounts were audited or even prepared. The Appellant Company has also not placed on record any material to show that there is a possibility of any future business or that it owns assets/property.



2. Upon notice to the Respondent RoC no adverse observations/objections have been raised by the RoC except for praying that the Appellant Company be directed to file all statutorily required documents since financial year ended on 31.03.2013 along with applicable and additional fee as payable.
3. No report has been filed by the Income Tax Department.
4. We have considered the plea of the Appellant Company on one hand and the Respondent on the other hand. In view of the categorical admission of the Appellant Company that it has never had any business or bank account and lack of pleadings regarding future business prospects this Tribunal deems it fit that the Appellant Company's name not be restored in the register of companies. Thus, the appeal is dismissed with no costs.

— Sel —
17/9/18
(DR. V. K. SUBBURAJ)
MEMBER (TECHNICAL)

— Sel —
17.09.18
(R. VARADHARAJAN)
MEMBER (JUDICIAL)

T