

**NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD**

Co. Appeal No. 307/252/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 19.09.2018**

Name of the Company: Awaneesh Shrivastava
(IITG Jobs Pvt. Ltd.)
V/s.
Registrar of Companies, MP.

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.	Awaneesh Ashish			
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ORDER

None present for the Appellant.

The Order is pronounced in the open court, vide separate sheet


**MANORAMA KUMARI
(MEMBER JUDICIAL)**

Dated this the 19th day of September, 2018

**BEFORE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH**

Co. Appeal No. 307/252(3)/NCLT/AHM/2018

In the matter of:

M/s. IITG Jobs Private Limited

In the matter between:

Mr. Awaneesh Shrivastava
2015, Ratan Nagar,
Nr. St. Xaviers School
Gupteshwar,
Jabalpur 482 001 (M.P.)

:

Appellant

Versus

Registrar of Companies,
IIIrd Floor, 'A' Block,
Sanjay Complex,
Jayendraganj
Gwalior (M.P.)

Respondent

Order delivered on 19th September, 2018

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

Appearance:

Advocate Mr. Arkam G. Shaikh is present for the appellant.
Advocate Mr. Nachiket D. Mehta is present for the Income Tax
Department

ORDER

1. By this Appeal, the Company namely, M/s. IITG Jobs Private Limited, seeks for restoration of its name in the Register of the ROC. The Registrar of Companies, Gwalior, Madhya Pradesh ["ROC" for short] by its impugned order dated 14.06.2017 has struck off the name of the company. Being aggrieved with this

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action the appellant being director/shareholder of the company has prayed for the following relief: -

- (i) please direct ROC, Gwalior to restore the name of the company in the Register of Companies;**
- (ii) permit the company to file pending Balance Sheets, Statutory Auditor's Reports, Directors Reports and Annual Returns for the years 2013-14, 2014-15, 2015-16 and 2016-17**

2. The facts in brief, those are necessary for disposal of the present Appeal are stated as under;
3. It is stated that the ROC vide its Public Notice No. ROC-G/248(5)/2017/2949 dated 14.06.2017 (issued in Form No. STK-7) followed by final notice (issued 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 filed annual returns and balance sheet for the financial year 2013-14 to 2016-17 nor it made any application to the ROC within such period for obtaining the status of dormant company under Section 455.
4. It is submitted by the appellant that the company is incorporated to acquire, take over or amalgamate with any business, institution, society, association or company which has objects similar to the objects of the company on lawful terms with the owner of the business subject to the provisions of the Monopolies and Restrictive Trade Practices Act, 1969.
5. The appellant has submitted that, the company has been active and operative since its incorporation but due to lack of appropriate guidance, knowledge and literacy of the Directors in the technical matters of filing of the forms with the ROC could



not be done. The appellant has further submitted in the appeal that the company shall file all outstanding statutory documents along with fee/additional fee as applicable on the date actual filing.

6. The appellant company was incorporated on 23rd February, 2012 with the Registrar of the Companies, Gwalior having its registered office at House No. 2015, Ratan Nagar, Nr. St. Xaviers School, Gupteshwar, Jabalpur, Madhya Pradesh 482 001.
7. In the present appeal, representation of ROC, Gwalior dated 12th July, 2018 is received, wherein it is averred that the appeal may be considered on merits subject to filing of balance sheet due for the financial year 2013-14 onwards with additional fees as per the requirement of the Companies Act, 2013/1956.
8. The representation of Income-tax Department is received through its learned lawyer wherein nothing adverse has been reported.
9. The Appellant has filed the present appeal under Section 252(3) of the Companies Act as being director of the company and he is entitled to file the same seeking for restoration of the name of the Company. Therefore, the present Appeal is found maintainable. Further the name of the Company, M/s. IITG Jobs Private Limited, was struck off on 14.06.2017 from the Register of Companies and the same was got published in the Gazette of India. While the present Appeal is filed on 31st May, 2018, hence the Appeal is filed well within limitation.

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10. On perusal of the material available on record, the main reason shown for striking off the name of the Company is that the Company failed to file its Annual Returns and Balance Sheets with the Registrar of Companies in time.
11. 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. IITG Jobs Private Limited in the Register of Companies maintained by the ROC, Gwalior, Madhya Pradesh.
12. 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 Appellant's 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; 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, Gwalior.
 - (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,

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as per the draft notice approved by the Registrar of Companies at the expenses of the Appellant;

- (iii) The Appellant is further directed to pay an amount of Rs. 25,000/- to the Central Government, Ministry of Corporate Affairs through the Office of the ROC 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 receipt of an authentic copy of this order and shall file compliance.

13. The Appeal stands disposed of accordingly.



Ms. Manorama Kumari
Member (Judicial)

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