

**NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD**


**IA 73/2018 in
Co. Appeal No. 13/252(3)/NCLT/AHM/2017**

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 11.09.2018**

Name of the Company: Prafulkunverba Kiritsingh Gohil
V/s.
H K Dave Ltd.

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.	MINI M. NAIR	Adv.	applicant.	
2.				

ORDER

Advocate Mrs. Mini Nair is present for the applicant.

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

The IA 73/2018 is allowed.

The appellant to furnish a fresh copy of the amended appeal by carrying necessary amendment and to file in this court and also to serve a copy to the ROC, Ahmedabad.

List the main matter on 31.10.2018


**MANORAMA KUMARI
(MEMBER JUDICIAL)**


**HARIHAR PRAKASH CHATURVEDI
(MEMBER JUDICIAL)**

Dated this the 11th day of September, 2018

**National Company Law Tribunal
Ahmedabad Bench**

**I.A. No. 73 of 2018
in
Co. Appeal No. 13/252(3)/NCLT/AHM/2017**

In the matter of: -

Prafulkunverba Kiritsingh Gohil
Residing at C-104, Safal Parisar-2,
Gala Gymkhana Road,
South Bopal – 380 058.

... Applicant

Vs.

1. M/s. H. K. Dave Limited (full-fledged)
public Co. (Dissolved); having its registered
office at: -
Khargate, Bhavnager – 364 001
and
Branch office at:
4th Floor, D-Wing,
Mrudul Tower, Ashram Road,
Ahmedabad, Gujarat, India.
2. Registrar of Companies,
ROC Bhavan,
Opp. Rupal Park,
Nr. Ankur Bus Stand,
Naranpura,
Ahmedabad 380 013

....Respondents

Order delivered on 11th September, 2018

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

Appearance:

Ms. Mini Nair, Advocate for the Appellant. None for the Respondent.



ORDER

[Per: Hon'ble Mr. Harihar Prakash Chaturvedi, Member (Judicial)]

1. By the present application, the present Appellant / Applicant has sought a prayer for amendments in the proposed company appeal by incorporating following pleadings in the memo of appeal which are stated here under:

a. On page 1 of the appeal, in the cause title "In the matter of section 252(3) of the Companies Act, 2013" permit the applicant to incorporate "Section 253(1) along with section 252(3)."

b. On page 2 of the appeal, in paragraph 2 permit the applicant to incorporate the following on the beginning of the said paragraph:

"The applicant declares that the application is within limitation laid down in section 252(1) of the Companies Act, 2013 as the applicant came to know about the removal of the name of the respondent company from the registrar only on 19.07.2016. However, since the publication took place on 27.08.2011, the applicant moved an application for condonation of delay."

2. It is submitted on behalf of the Applicant / Appellant that his Counsel realised subsequently that the present appeal also falls within purview of the Section 252(1) of the Companies Act, 2013. Hence, she made an oral request with this bench that the

Chaturvedi

present appeal can be treated to be filed also under the Section 252(1) as well as 252(3) of the Companies Act, 2013. For the purpose of hearing and disposal, we heard such contentions and reserved order for final disposal; meanwhile, the appellant filed the present application seeking permission for carrying out necessary amendments in the memo of appeal so as to avoid technical issue. Thus, has made following prayers:

- a. ***"This Tribunal may be pleased to allow the present application by permitting the applicant to incorporate paragraphs 3 and 4 above in Company Appeal No. 13/252(3)/NCLT/AHM/2017.***
 - b. ***This Tribunal may be pleased to pass such order and further order in the facts and circumstances of the case may require."***
3. Having heard Ms. Mini Nair, the Learned Counsel for Appellant/ Applicant and by perusing the record of the case, we feel that the proposed amendments being sought for; appears to be bonafide and reasonable and may be useful for just and proper disposal of the present company appeal. Further, by allowing such amendment there seems no material change either in the nature of proceeding or in reliefs as being sought for nor such amendment is going to prejudice the interest of the Central Government/ ROC. Because it will get a



fresh opportunity to file consequential reply/ revised representation if, any, to the amended appeal.

4. For the aforesaid reasons, the present amendment application deserves to be allowed. Hence, it is allowed. The applicant is permitted to carry out necessary amendments by incorporating necessary pleadings as prayed for in the I.A. which, for the sake of convenience is being reproduced herein below.

a. On page 1 of the appeal, in the cause title "In the matter of section 252(3) of the Companies Act, 2013" permit the applicant to incorporate "Section 253(1) along with section 252(3)."

b. On page 2 of the appeal, in paragraph 2 permit the applicant to incorporate the following on the beginning of the said paragraph:

"The applicant declares that the application is within limitation laid down in section 252(1) of the Companies Act, 2013 as the applicant came to know about the removal of the name of the respondent company from the registrar only on 19.07.2016. However, since the publication took place on 27.08.2011, the applicant moved an application for condonation of delay."



5. The appellant is hereby directed to carry out the above prayed for amendments in the original copy of the memo of appeal within two weeks from the date of receipt of an authentic copy of this order and also to file afresh copy thereof before the registry of this bench by serving an advance copy to Respondents / Registrar of Companies, Gujarat, Ahmedabad so as to enable them to file consequential/ revised representation if, any, to the present company appeal if they are willing so.
6. A copy of this order further be communicated by the Applicant, to the Respondents/ Registrar of Company, Gujarat, Ahmedabad.
7. No order as to cost.
8. List the matter on 31st October, 2018.



Ms. Manorama Kumari,
Member (Judicial)



Mr. Harihar Prakash Chaturvedi,
Member (Judicial)