

**NATIONAL COMPANY LAW TRIBUNAL  
AHMEDABAD BENCH  
AHMEDABAD**

**Co. Appeal No. 175/252/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 29.08.2018**

Name of the Company: Jasmeetsingh Bhupendrasingh Chhabra & Anr.  
(J R Transport Solutions 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.

2.

**ORDER**

None appeared on behalf of the Appellant as well as ROC.

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

  
**MANORAMA KUMARI**  
**MEMBER JUDICIAL**

Dated this the 29<sup>th</sup> day of August, 2018

  
**HARIHAR PRAKASH CHATURVEDI**  
**MEMBER JUDICIAL**

**BEFORE NATIONAL COMPANY LAW TRIBUNAL  
AHMEDABAD BENCH**

**Co. Appeal No. 175/252(3)/NCLT/AHM/2018**

**In the matter of:**

**M/s. J.R. Transport Solutions Private Limited**

**In the matter between:**

1. Mr.Jasmeetsingh Bhupendersingh Chhabra  
148/11 Uphar Mandir CHS,  
Khar 10<sup>th</sup> Road, Khar (W)  
Mumbai 400 052 : Appellant No. 1
2. Mr. Ravinder Singh Chhabra  
16-2, Pagnis Paga  
INDORE 452 007 : Appellant No. 2

**Versus**

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

Respondent

**Order delivered on 29th August, 2018**

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

**Appearance:**

PCS Mr. Manish Buchasia is present for the appellants. Advocate Mr. Nachiket Mehta for advocate Ms. Maithli Mehta is present for the Income Tax Department.

**ORDER**

**[Per: Ms. Manorama Kumari, Member (J)]**

1. By this Appeal, the Company namely, M/s. J.R. Transport Solutions 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 action the appellants being

*Chhabra*

*[Signature]*

directors/shareholders of the company has prayed for the following relief: -

- (i) to allow this appellant to restore the name of J R Transport Solutions Private Limited in the register of companies maintained by the Registrar of Companies, Gwalior;**
- (ii) permit the company to file pending annual returns and financial statements for the year 2013-14, 2014-15, 2015-16 and 2016-17;**
- (iii) remove the disqualification of ex directors of the company imposed under section 164(2) of the Companies Act, 2013;**
- (iv) certificate of incorporation of the company may please be restored from its original date of incorporation;**

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 Sheets for the financial year 2013-14 onwards 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 appellants that the company is established to carry on business as general carriers and freight forwarders, transport, cartage and haulage contractors and to provide carrier, freight, transport, courier, freight etc.

*Chauhan*

*[Signature]*

5. The appellants have submitted that the company was unable to file the documents as the Board of Directors of the company were not aware about the statutory filings to be made to ROC and the same was skipped due to lack of professional guidance and support to the management and Board of the company.
6. The appellant company M/s. J.R. Transport Solutions Private Limited was incorporated on 9<sup>th</sup> July, 2010 with the Registrar of the Companies, Gwalior. Registered office of the company is situated at 8-A, Nanak Nagar, Pipliya Rao, Indore, Madhya Pradesh 452 001.
7. In the present appeal, representation of ROC, Gwalior dated 17<sup>th</sup> May, 2018 is received, wherein it is averred that the appeal may be considered on merits subject to filing of balance sheet due for financial year from 2013-14 onwards with additional fees as per the requirement of the Companies Act, 2013/1956.
8. Representation is received from the Income-tax Department through its lawyer wherein it is mentioned that the company has not filed return of income for assessment years 2014-15 to 2017-18 relevant to financial years 2013-14 to 2016-17 and there is no demand outstanding against the company as on date. The appellant submitted affidavit with regard to the fact that it is not a shell company and no unusual transaction took place during the demonetisation period.

*Chauhan*


*W*

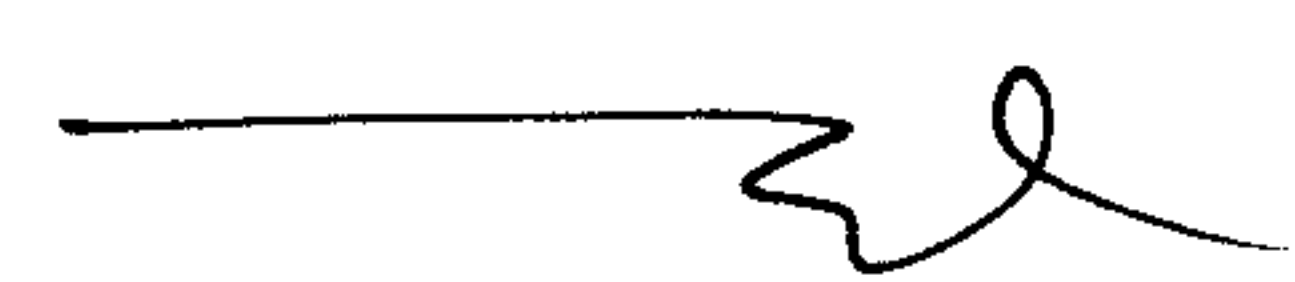
9. The Appellants have filed the present appeal under Section 252(3) of the Companies Act as being Directors/Shareholders of the company, they are entitled to file the same seeking for restoration of the name of the Company. Therefore, the present Appeal is found maintainable. Further the name of the Company, M/s. J.R. Transport Solutions 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 03<sup>rd</sup> April, 2018, hence the Appeal is filed well within limitation.
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. J.R. Transport Solutions 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.
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;

*Johnson*

- (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, 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)**

  
**Harihar Prakash Chaturvedi**  
**Member (Judicial)**