

**NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD**

Co. Appeal No. 310/252(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 03.10.2018**

Name of the Company: Narendra Agrawal
(Suhyog Event Management 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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ORDER

None present for the appellant as well as for the ROC.

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

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MANORAMA KUMARI
MEMBER JUDICIAL


HARIHAR PRAKASH CHATURVEDI
MEMBER JUDICIAL

Dated this the 3rd day of October, 2018

**BEFORE NATIONAL COMPANY LAW TRIBUNAL
GWALIOR BENCH**

Co. Appeal No. 310/252(3)/NCLT/AHM/2018

In the matter of:

M/s. Suhyog Event Management Pvt. Ltd.

In the matter between:

Mr. Narendra Agrawal
149-150, shanti Niketan,
B/h. Bombay Hospital,
Niranjanour,
Indore(MP)- 452010

..... Appellant

Versus

Registrar of Companies,
ROC Bhavan,
3rd Floor, Sanjay complex,
Jayendraganj, Gwalior-474009,
Madhya Pradesh

..... Respondent

Order delivered on 3rd October, 2018.

Coram: Hon'ble Mr. Harihar Prakash Chaturvedi Member (Judicial)

Hon'ble Ms. Manorama Kumari, Member (Judicial)

Appearance:

PCS Mr. Shilpesh Dalal is present for the Appellant

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

1. By this Appeal, the Company namely, M/s. Suhyog Event Management Pvt. Ltd., seeks for restoration of its name in the Register of the ROC. The Registrar of Companies, Gwalior, ["ROC" for short] vide its impugned order dated 02.06.2017 has struck off the name of the company. Being aggrieved with such impugned

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action the appellant being a Shareholder of the Company has prayed from this Courts for grant of following relief: -`

- (i) *That this Tribunal to pass an orders for restoration of the name of the e.g. Suhyog Event Management Pvt. Ltd. and company in its status to be recorded as active in the records of the MCA and ROC.*
- (ii) *for removal of disqualification of Directors and enabling the Company and its Directors to file statutory forms and returns with ROC and the Ministry of Corporate Affairs.*

2. The facts in brief, of the present Company Appeal are narrated as under;

- i. It is submitted that the ROC vide its Public Notice No. ROC-G/248(5)/2017/2839 dated 02.06.2017 (issued in Form No. STK-7) and followed a by final notice dated 10th March, 2017 (which was issued under Section 248(5) of the Companies Act, 2013) has struck off the Company's name from its statutory Registrar of Companies with effect from 02.06.2017 because the company has failed to file its return from the financial years 2013-2014 to 2016-2017 onwards. The company has also not disclosed the proof of filing of its Income Tax Returns.
- ii. It is stated that the company was originally incorporated on 27th September, 2011 with such object to carry on the business of organize manage, setup and supervise

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engagement ceremonies, marriages, events, festivals, launches, exhibitions, seminars, conferences, gatherings, celebrations, social events, drams, operas, ballets, musical shows, concerts, stage shows, plays sports events and to provide catering services, lighting services to all kinds of events social general or religious etc...

3. The ROC, Gwalior in his representation dated 06.08.2018 has denied the allegation made by the appellant in the present appeal and has justified its impugned action contending that the name of the company has been struck off due to such reason that the company has failed to file its statutory returns from 2013-14 to 2016-17 onwards. However, the ROC has further submitted that this court may pass an appropriate order on merits of the present appeal subject to filing of balance sheet due for the financial year 2013-2014 onwards with additional fees as per the requirement of Companies Act, 2013/1956.
4. In the present matter the Income Tax Department did not file its representation, despite proper service.
5. The Appellant also filed an additional affidavit stating that it is not a shell company and nor any unusual transaction took place during the period of demonetisation.

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6. The Appellant Mr. Narendra Agrawal has filed the present appeal (under Section 252(3) of the Companies Act) as being a Shareholder of the Company. Hence, he is entitled to file the same to seek for restoration of the Company's name. Therefore, the present Appeal is maintainable. Further, the name of the Company, M/s. Suhyog Event Management Pvt. Ltd got struck off on 02.06.2017 from the Register of Companies and the same was also published in the Gazette of India. While the present Appeal was filed on 7th June, 2018, before this Tribunal. Hence the present appeal is filed well within limitation.
7. A perusal of the material available on record, goes to show the main reason for striking off the name of the Company is M/s. Suhyog Event Management Pvt Ltd. failed to file its returns from the 2013-14 to 2016-17 onwards, before the ROC, Gwalior(M.P).
8. As per the material available on record shows that the Company was a going concern having its Registered Office in Indore M.P. at 100, Kesharbaug Road, Nema Nagar, Indore-452012, Madhya Pradesh.
9. Having gone through the contents of the appeal facts and circumstance of the present case and by considering, this Tribunal is of the view that it is just and equitable to restore the name of the Company M/s. Suhyog Event Management Pvt. Ltd in the Register of the Registrar of Companies maintained by the ROC,

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Gwalior(M.P) and to remove the defects of disqualification, if any, as Member/Shareholders, imposed under Section 164(2) of the Companies Act, 2013.

10. For the aforesaid reason the present appeal succeeds and is allowed in terms of its relief clause. Consequently, the ROC, Gwalior (M.P), is hereby directed to restore the name of the company in its Register of Companies but on compliance of following conditions by the appellant.


- (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 shall also pay cost for an amount of Rs. 25,000/- (Rupees Twenty five thousand only) payable to the Central Government, Ministry of Corporate Affairs through Office of the ROC, Gwalior 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*


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3 (three) weeks from the date of the receipt of this order and shall file compliance.

11. With the above stated condition the present appeal is allowed and disposed of accordingly.


Ms. MANORAMA KUMARI
(MEMBER JUDICIAL)


Mr. HARIHAR PRAKASH CHATURVEDI
(MEMBER JUDICIAL)

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