

**NATIONAL COMPANY LAW TRIBUNAL  
AHMEDABAD BENCH  
AHMEDABAD**


Co. Appeal No. 370/252(3)/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: Sanjay Kumar Anand  
(Prashant Sagar Builders and Developers 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>
1.	CS Ashish C. Doshi	PCS	Applicant	
2.				

**ORDER**

PCS Mr. Ashish Doshi is present for the Appellant.

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

  
**MANORAMA KUMARI  
(MEMBER JUDICIAL)**

Dated this the 19<sup>th</sup> day of September, 2018

**BEFORE NATIONAL COMPANY LAW TRIBUNAL  
AHMEDABAD BENCH**

**Co. Appeal No. 370/252(3)/NCLT/AHM/2018**

**In the matter of:**

**M/s. Prashant Sagar Builders and Developers Private Limited**

**In the matter between:**

Mr. Sanjay Kumar Anand  
401, Satsang Sagar,  
39 Bf Scheme No. 54  
INDORE 452 008 (M.P.)

:

Appellant

**Versus**

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

Respondent

**Order delivered on 19<sup>th</sup> September, 2018**

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

**Appearance:**

PCS Mr. Ashish Doshi is present for the appellant.

**ORDER**

1. By this Appeal, the Company namely, M/s. Prashant Sagar Builders and Developers 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 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 annual returns and financial statements;**
- (iii) to direct ROC, Gwalior to accept all pending documents and forms from the company for filing in accordance with law;**
- (iv) such further or other orders be made in the premises of this Tribunal may deem fit.**

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 carry on in India or elsewhere, either alone or jointly with one or more persons, governing, local or other bodies the business to construct, build, alter, acquire, convert, improve, design, erection, establish, develop, distribute or otherwise to deal in all sorts of lands and buildings.
5. The appellant has submitted that, the company has been active and operative since its incorporation but due to inadvertence and clerical omissions, 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 22<sup>nd</sup> October, 2008 with the Registrar of the Companies, Gwalior having its registered office at G-1, 10/4 Manorama Ganj, Mahasagar Corporate, Indore 452 001 Madhya Pradesh.
7. In the present appeal, representation of ROC, Gwalior dated 06<sup>th</sup> September, 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. No representation is received from the Income Tax Department, even after issuance of notice.
9. The Appellant has filed the present appeal under Section 252(3) of the Companies Act as being director/shareholder 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. Prashant Sagar Builders and Developers 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 23<sup>rd</sup> July, 2018, hence the Appeal is filed well within limitation.

*Atman*

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. Prashant Sagar Builders and Developers 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, as per the draft notice approved by the Registrar of Companies at the expenses of the Appellant;

*Abhinav*

- (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)**

Nair/LCT