

NATIONAL COMPANY LAW TRIBUNAL  
MUMBAI BENCH, MUMBAI

C.P No. 508/(MAH)/2017

CORAM:

Present:

SHRI M. K. SHRAWAT  
MEMBER (J)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF  
THE NATIONAL COMPANY LAW TRIBUNAL ON 04.12.2017

NAME OF THE PARTIES: Ardent Holiday Homes Pvt. Ltd.

V/s  
ROC, Goa, Daman & Diu

SECTION OF THE COMPANIES ACT: 252 of the Companies Act, 2013.

S. No.	NAME	DESIGNATION	SIGNATURE
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01.	Jigankarman Gandhi	Pcs for petitioner	
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**ORDER**  
**CP 508/252/NCLT/MB/MAH/2017**

1. Present Learned Counsel of the Petitioner. Discussed the matter. Perused the Balance Sheet of last few years as annexed in the compilation. On perusal it is noticed that there is no business transaction. Financial Statements also revealed that there is no revenue generation. A nominal expenditure such as 'Auditor Fees' of Rs.5,000/- is debited. Total Share Capital of Rs.26,80,300/- was raised at the time of inception and thereafter. It is stated that the said amount was advanced to Sanatan Finances and Real Estate Private Limited as per an unregistered agreement, that too, dated 06.11.2007. In Bank of India only a sum of Rs.6,744/- as on 31.12.2006 is reported. Income Tax Returns for Assessment Year 2017-18 filed on 09.11.2017 declaring loss of Rs.5,000/- that too pertaining to the expenditure claimed and not related to business operation.

(Contd....2.)

2. In the background of the above facts, perused the report of the RoC, Goa dated 18.10.2017 bearing No. ROCGDD/U/s 252(3)/2017/1110 wherein the Learned RoC, Goa, Daman & Diu vide para 7 has stated that the RoC had no objection if the Tribunal restores the name of the Company subject to award of cost. This Bench hereby raises a query that in a situation when the Company is not doing any business since inception and not generated an income why it is proposed that the RoC office had no objection for revival of the name of the Company. He is directed to submit the notification under which the Company's name was struck off; whether in the said notification is it not prescribed that if the Company is not running the business and not submitting the annual statements the name is to be struck off from the Registry?
3. As a result, it is hereby directed that the RoC, Goa is to be represented either personally or through a Representative to explain the correct position of law and to place on record the reason for proposal of revival of the name of the Company.
4. The Registrar, NCLT, Mumbai shall issue a Notice in this regard intimating the next date of hearing by annexing a copy of this Order.
5. The matter is adjourned to 22<sup>nd</sup> December 2017.

Sd/-

M.K. SHRAWAT  
Member (Judicial)

Date : 04.12.2017

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