

NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH: GUWAHATI

T.P. No.28/391(1)/394/GB/2016
IN
[C.P. No.3/2016]

Under Section: 230 to 232 of the Companies Act, 2013 (Corresponding to Section 391(1)/394 of the Companies Act of 1956.

In the matter of:

Trisita Services (P) Ltd. and Trisita Marketing (P) Ltd.
... Petitioners

Coram:

Hon'ble Mr. Justice P. K. Saikia, Member (J)

For the Petitioners : Mr. A. Nath and Mr. A. Todi, Advocates

O R D E R
Date: 27-07-2017

In connection with the letter dated 19th July, 2017 received from the Official Liquidator, O/O the Official Liquidator attached to the Hon'ble Gauhati High Court at Shillong, this proceeding is put up before me today. It is seen that the said letter was written by the ROC in response to the directions rendered in Para 14 of the final order of this Tribunal dated 06th July, 2017 passed in this case i.e. T.P. No.28/391(1)/394/GB/2016 arising out of C.P. No.3/2016. Para 14 of the aforesaid order is reproduced below: -

"14. The Official Liquidator is directed to file a report within a month that the affairs of the transferor company have not been conducted in a manner prejudiced to the interest of its members or public interest, and thereafter, the transferor company shall be dissolved without the process of winding up."

2. Now, in compliance with the aforesaid directions, the Official Liquidator has laid before this Tribunal certain information which can be found in Para 6 and 7 of the aforementioned letter. For ready reference, Para 6 and 7 of the letter is reproduced below: -

"6. That accordingly, after examination of reply and other documents furnished by the petitioner company, the Official Liquidator submits his report as under:

- i. The transferor company M/s. Trisita Marketing Pvt. Ltd may be asked to furnish Assessment Order relating to FY 2015-16.*
- ii. From the perusal of the audit report of the subject company it appears that the company has not accepted any deposits from the public.*

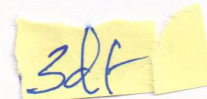
iii. *That there is no application for winding up of the subject company which is pending before the Hon'ble High Court.*

iv. *The Official Liquidator have made this report on the basis of the Auditor's report for the last four financial years of the transferor company and the returns/records available in the MCA portal which has been filed by the company.*

7. *That subject to observations made above at para 6, it appears that the affairs of the company have not been conducted in a manner prejudiced to the interest of its members or public interest and therefore the matter may be decided on its own merits by the Hon'ble Tribunal."*

3. In view of above, the Transferor Company, M/s. Trisita Marketing Pvt. Ltd. is hereby directed to furnish assessment order relating to Financial Year 2015-16 to the Registrar of Companies within a period of 5 (five) days from today.

4. A copy of this order be furnished to the Counsel, Mr. A. Nath appearing for the Transferor Company through his email address.



Member (Judicial)

National Company Law Tribunal
Guwahati Bench: Guwahati.

Dated, Guwahati, the 27th July, 2017

Deka/27-07-2017