

ATTENDANCE-CUM-ORDER SHEET OF HEARING

**NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH**

C.P.No.8/252/GB/2017

Ram Paresh Mahto

... Petitioner

-Versus-

Registrar of Companies,
North Eastern Region, Shillong

... Respondents

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

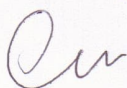
Date of Order: 3rd April 2017

Name of the Company	M/s Shree Entrade Private Limited		
Under Section	252		
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

ORDER

This is a petition filed under Section 252 of the Companies Act, 2013 seeking following reliefs:

- a. The name of the Company namely M/s Shree Entrade Private Limited be restored to the file and/or to the register of the Registrar of Companies, Shillong.
- b. The respondent be directed to rectify the master date by modifying the status from "Strike Off to Active" within the specific time as this Hon'ble Tribunal may deem fit and proper.
- c. An order be passed directing the respondent to place the name of the Company in the same position as if the name of the Company had not been struck off.
- d. Injunction restraining the respondent whether by himself or by his servants or agents or assigns or otherwise howsoever from taking any step or further steps in terms of the Gazette of India Notification in any manner whatsoever.
- e. Ad-interim order in terms of prayers above.



- f. Such further order or orders be passed and/or direction or directions be given as to this Hon'ble Tribunal may seem fit and proper."

2. It has been alleged that the ROC, Shillong, without following the prescription of law laid down under Section 560 of the Companies Act, 1956 (in short, Act of 1956), struck off the name of the company from the register of the Registrar of Companies. It has been submitted that under Section 560 of the Act of 1956, before striking off the name of any company, it is mandatory on the part of ROC to make a pre-decisional enquiry even when the balance sheet and annual returns are not filed by the company in time.

3. Unfortunately, all those provisions were given a go by the concerned authority when it took the decision to strike off the name of the company from the register of the Registrar of Companies. It has been stated that the petitioner came to know about the striking off of the name of the company only in 2016 when he had visited the office of the ROC for filing the balance sheets and annual returns for the period starting from 2006.


3. In view of the above and also on hearing Mr B. Debnath, PCS, I find it necessary to direct the petitioner to serve notice on the ROC requiring him to reply to the allegations made in this proceeding.

4. List this matter on 28.04.2017.

5. The petitioner is directed to take steps in the matter of service of notice to the ROC, North Eastern Region, Shillong within a period of two days from today. Needless to say that such notice must accompany copy of the petition and all other connected documents.

6. It is made clear that the question of maintainability of this proceedings on the point of Limitation shall remain open.

7. Registry is directed to furnish a copy of this order to the ROC, North Eastern Region, Shillong immediately.


Member (Judicial)
National Company Law Tribunal,
Guwahati Bench,
Guwahati.