

**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**SINGLE BENCH**  
**NEW DELHI**

No.CA-58/C-III/ND/2017

SECTION: UNDER SECTION 252(1) of the Companies Act, 2013.

**IN THE MATTER OF:**

M/s Nandi Track Engineering Private Limited

.....Applicant

V/s

.....Respondent

**Coram:**

Order delivered on 24.10.2017

R.VARADHARAJAN  
Hon'ble Member (Judicial)

For the Petitioner

: Mr.Kanti Mohan Rastogi, Advocate  
Ms.Preeti Nair, Advocate

For the Respondent

: Mr. Manish Raj, Company Secretary for ROC

**ORDER**

This is an Application which has been filed seeking for the reinstatement of the main Company Petition in CP No. 199/ND/2017 filed by the Petitioner under the provisions of Section 252(1) of the Companies Act,2013. Perusal of the Application shows that vide order dated 28.8.2017 this Tribunal had directed the Petitioner to serve a copy of the Petition on the RoC being the Respondent within a period of 2 weeks therefore and that



RoC was directed to file its reply within a period of 4 weeks thereafter. In compliance with the above directions, Petitioner avers that notice to the RoC was duly served on 4.9.2017 and when the matter was duly listed for hearing on 10.10.2017 it was represented by Ld. Counsel appearing for the RoC that the Petition as filed by the Petitioner is not in the appeal format as prescribed under the NCLT Rules, 2016 read with the provisions of Companies Act, 2013 and in the circumstances the Petition came to be withdrawn to be filed in the Appeal format by the Petitioner.

2. Immediately thereafter on 11.10.2017 upon realizing that irrespective of whether the Application, Petition or Appeal under Section 252 of Companies Act, 2013 the format which is prescribed under NCLT Rules, 2016 is the same format as applicable to all the above namely NCLT Form-9 and in the circumstances the Petitioner/Applicant seeks for reinstatement of the Petition as otherwise great prejudice will be caused.

3. Record of the Tribunal shows that the RoC being the Respondent has filed a detailed reply to the Petition dated 24.10.2017 wherein no mention has been made about the format adopted by the Petitioner is not in consonance with Form-9 of NCLT as averred by the Petitioner. In view of the reply being filed by the RoC and the Form which is required to be adopted with necessary modification, as the case may be, is Form NCLT-9, no prejudice will be caused to any of the parties and in the interest of justice the Petition is reinstated and the same is taken on record as an Appeal. Hence, the Application is allowed. Post the matter for final hearing on 07.11.2017.

  
-Sdl-  
02/11/17  
(R.VARADHARAJAN)  
MEMBER (JUDICIAL)