

**IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI**  
**PRINCIPAL BENCH**

**C.P.165(ND)/2017**  
**Appeal No. 25/2017**

**IN THE MATTER OF:**

Greenfra Engineering Pvt. Ltd. .... Applicant/petitioners  
Vs.  
ROC .... Respondent

**Order under Section 252(3) of the Companies Act**

**Order delivered on 09.01.2018**

**Coram:**

**CHIEF JUSTICE (Retd.) M.M.KUMAR**  
**Hon'ble President**

**Sh. S.K. Mohapatra,**  
**Hon'ble Member (T)**

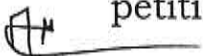
For the Applicant/petitioner : Shri Sandeep Kumar, Company Secretary  
in Practice  
For the RD(NR)/ROC Delhi : Mr. Manish Raj, Company Prosecutor  
For the Income Tax Deptt. : Ms. Lakshmi Gurung, Standing Counsel

**ORDER**

Ms. Lakshmi Gurung, learned Standing Counsel of the Income Tax Department states that the department has no objection as per the report filed by the Department.

In para-4 of the reply filed by the Assistant Registrar of Companies, Ms. Aparna Mudiam, the following statement has been made:

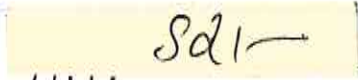
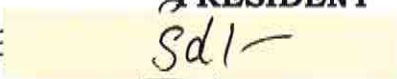
“That regarding the contents of the para nos. III(7) and (8), it is submitted that the Company had not filed its Annual Returns and Balance Sheets since financial year ended on 31.03.2013 due to which the Respondent had reasonable cause to believe that the petitioner company was inactive. Further, this office did not



receive any communication in response to the notices issued by this office in pursuance of sub-section (1) and sub-section (4) of Section 248 of the Companies Act, 2013 and Rule 7 of the Companies (Removal of Names of Companies from the Registrar of Companies) Rules, 2016 from the Company/Directors/Shareholders regarding remedial measures taken, if any. Consequently, in pursuance of sub-section (5) of Section 248 of the Companies Act, 2013 and Rule 9 of the Companies (Removal of Names of Companies from the Registrar of Companies) Rules, 2016 name of the petitioner company had been struck off.”

The aforesaid statement is accompanied by a Gazette Notification dated 06.07.2017, which shows that thousands of companies were struck off on that date. In order to satisfy ourselves, ROC is directed to show that the provisions of Section 248 of the Companies Act have been complied with by issuing individual notices to the company and its Directors and that all the provisions were satisfied. Additional affidavit may also be filed to clarify the averments made in the reply, if necessary. Needful shall be done within a week

List the matter on 19<sup>th</sup> January, 2018.

  
(CHIEF JUSTICE M.M.KUMAR)  
PRESIDENT  
  
(S.K. MOHAPATRA)  
MEMBER(TECHNICAL)