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**NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD**

Co. Appeal No. 17/252/NCLT/AHM/2017

Coram:

**Present: Hon'ble Mr. BIKKI RAVEENDRA BABU
MEMBER JUDICIAL**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF AHMEDABAD
BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 03.11.2017**

Name of the Company: Naval Kishore Maheshwari
V/s.
Registrar of Companies, Gwalior.

Section of the Companies Act: Section 252 of the Companies Act, 2013

<u>S.NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
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1.

2.

ORDER

None present for Appellant. None present for ROC, Gwalior.

Order pronounced in open court. Vide separate sheets.


**BIKKI RAVEENDRA BABU
MEMBER JUDICIAL**

Dated this the 3rd day of November, 2017.

**BEFORE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH**

Co. Appeal No. 17/252/NCLT/AHM/2017

In the matter of:

Naval Kishore Maheshwari,
Director of
Virat Infusions Private Limited
Registered Office at
5, Milki Pura Bansal Bhawan
Ujjain (M.P.)-456006 : Appellant.

Versus

The Registrar of Companies
Madhya Pradesh at Gwalior,
3rd Floor, 'A' Block, Sanjay Complex,
Jayendra Ganj, Gwalior,
M.P.-474009. : Respondent.

Order delivered on 3rd November, 2017.

Coram: Hon'ble Sri Bikki Raveendra Babu, Member (J).

Appearance:

Mr. Dilip Kumar Jain, with Mr. Rajesh Lohia, learned PCS for the
Appellant.
None present for ROC [Reply filed].

ORDER

1. The Appellant, being shareholder and Director of Virat Infusions Private Limited, filed this Appeal seeking restoration of the name of the Company Virat Infusions Private Limited in the Register of Companies maintained by the Registrar of Companies, Madhya Pradesh, Gwalior.

2. It is stated in the Appeal that Virat Infusions Private Limited was incorporated under the Companies Act, 1956 on 26th June, 2006 and its Registered Office is situated in Ujjain, Madhya Pradesh. The Authorised, Issued and Subscribed and Paid-Up Capital of the Company is Rs. 1,00,000/- divided into 10000 equity shares of Rs.10/-. It is stated that the Company is having assets and liabilities and was regular in filing Balance Sheets and Annual Returns up to the year 2012-13. It is stated that the Company could not file Balance Sheets and Annual Returns for the years 2013-14, 2014-15 and 2015-16 due to technical problems of digital signatures, validation etc. The Appellant enclosed copies of Audited Balance Sheets for the years 2013-14, 2014-15 and 2015-16 as Annexures to the Appeal. There are only 5 shareholders in the Company and it is having fixed assets and unsecured loans. It is stated that the Registrar of Companies while publishing general struck off the name of the Company without any reasonable grounds. It is stated that the Company is having assets and liabilities and it is still carrying on its business activities. It is further stated that the Board of Directors has passed a Resolution on 15th July, 2017 for preferring the present Appeal. The Appellant undertook to file all statutory Returns.

3. On this Appeal, notice was given to the Registrar of Companies ('ROC'), Gwalior, Madhya Pradesh. The ROC in his representation stated that the name of the Company has been struck off on *suo motu* basis on 2nd June, 2017 on account of non-filing of Annual Returns and Balance Sheets for the years from 2013-14 to 2015-16. It is further stated that in the Representation that the Balance Sheets show fixed assets and unsecured loans but no Income Tax Returns were filed. The ROC stated that he has no objection if the name of the Company is restored to the Register of Companies under Section 252(3) of the Companies Act, 2013 subject to the filing of Statutory Returns required under the Companies Act.



4. The Appellant is a shareholder-cum-Director in Virat Infusions Private Limited. The ROC struck off the name of the Company from the Register of Companies on 12.8.2017. The Appeal was filed on 28th July, 2017 and therefore this Appeal which is filed under Section 252(3) is within time. The Appellant being the shareholder is entitled to file this Appeal.

5. The only reason for striking off the name of the Company Virat Infusions Private Limited is non-filing of Annual Returns and Balance Sheets for the years from 2013-14 to 2015-16. The reason stated for non-filing of statutory returns is technical problems. The material placed on record goes to show that the Company is doing its business. The ROC stated that he has no objection if the name of the Company is restored to the Register of Companies.

6. Considering the above stated facts, this Tribunal is of the considered view that the name of the Company, Virat Infusions Private Limited be restored to the Register of Companies maintained by the Registrar of Companies, Gwalior, Madhya Pradesh upon the Appellant complying with the following conditions;

(i) The Appellant shall file all over due statutory returns with fee and additional fee as required under the Companies Act;

(ii) The Appellant shall publish a Notice in leading newspapers circulating in the District as well as in the Official Gazette of the Government of India with regard to the restoration of the name of the Company in the Register of Companies maintained by the Office of the Registrar of Companies, as per the draft notice approved by the Registrar of Companies at the expenses of the Appellant;

(iii) The Appellant shall also pay an amount of Rs. 10,000/- to the Ministry of Corporate Affairs by way of Demand Draft drawn

on Nationalised Bank towards the cost incurred by the Government in striking off the name of the Company within 3 (three) weeks from the date of this order.

7. The Appeal stands disposed of accordingly.

Signature:



Sri Bikki Raveendra Babu, Member (J).