

45

**NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD**

Co. Appeal No. 58/252/NCLT/AHM/2017

Coram: **Hon'ble Ms. MANORAMA KUMARI, MEMBER JUDICIAL**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF AHMEDABAD
BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 08.12.2017**

Name of the Company: Shakhubai Bhausheb Sindhe.
(Shinde Human Resources Pvt Ltd)
V/s.
Registrar of Companies, Gujarat.

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

S.NO. NAME (CAPITAL LETTERS) DESIGNATION REPRESENTATION SIGNATURE

1.

2.

ORDER

None present for Appellant. None present for ROC.

Order pronounced in open Court. Vide separate sheets.


**MANORAMA KUMARI
MEMBER JUDICIAL**

Dated this the 8th day of December, 2017.

**BEFORE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH**

Co. Appeal No. 58/252/NCLT/AHM/2017

In the matter of:

Shinde Human Resources Private Limited
Through its Director and Member,
Smt. Sakhubai Bhausahab Shinde,
Registered Office at
204, Govinda Complex,
GIDC Char Rasta,
VAPI-396195

: Appellant.

Versus

Registrar of Companies,
Office of the Registrar of Companies,
Gujarat, Dadra & Nagar Haveli,
ROC Bhawan, Opp: Rupal Park Society,
Behind Ankur Bus Stop
Naranpura,
Ahmedabad-380013
Gujarat State.

: Respondent.

Order delivered on 8th December, 2017.

Coram: Hon'ble Ms. Manorama Kumari, Member (J).

Appearance:

Mr. Ishan P. Shah, learned Advocate for the Appellant.
None present for ROC.

ORDER

1. This Appeal is filed by Shinde Human Resources Private Limited through its Director and Member, seeking restoration of its

Ishan

name in the Register of Companies maintained by the Registrar of Companies, Gujarat, ['ROC' for short].

2. It is stated in the Appeal that the Company, Shinde Human Resources Private Limited, was incorporated on 6th April, 2010 as a Private Limited Company by Shares having CIN No. U74920GJ2010PTC060183, and has been carrying on business which is in operation and has been active; the Company filed Income Tax Returns for the assessment years from 2011-12 to 2016-17 and has been paying the income tax.

3. The Appellant has stated that the Respondent ROC vide Public Notice dated 21st June, 2017 issued under sub-section (5) of Section 248 of the Companies Act, 2013 has struck off the name of the Company from the Register of Companies, maintained by the ROC, Ahmedabad. According to the Appellant, the statutory documents, i.e., financial statements and annual returns for the period from 2010-11 to 2016-17 were not filed with the office of the ROC due to inadvertence.

4. The ROC filed Representation dated 5th December, 2017 before this Tribunal, through his Deputy Registrar of Companies, Gujarat, wherein he has denied the allegations made and contention raised in the Appeal, by stating that the Company failed to file any statutory returns, viz., Balance Sheets and other returns with the office of the ROC since its incorporation and hence its name was struck off.

5. The Appellant Company has filed copies of Audited Balance Sheets of the Company for the years from 2013 to 2016; copies of Acknowledgments of Income Tax Returns for the Assessment Years 2011-12 to 2016-17; copies of Bank Statements along with the Appeal.

Atarwan

7. This Appeal is filed by the Company under Section 252(3) of the Companies Act. The Company is entitled to file Appeal seeking restoration of the name of the Company. Therefore, this Appeal is maintainable. The Company, M/s. Shinde Human Resources Private Limited, was struck off on 21.6.2017 from the Register of Companies. This Appeal was filed on 13th November, 2017. Therefore, this Appeal is within time.

8. From the material available on record, the only reason for striking off the name of the Appellant Company, M/s. Shinde Human Resources Private Limited, is that it failed to file statutory returns such as Balance sheets and other Returns with the office of the ROC since incorporation.

9. The material on record also goes to show that the Company is an ongoing concern and has been doing business.

10. Considering all the aforesaid aspects, this Tribunal is of the considered view that it is just and equitable to restore the name of the Company, M/s. Shinde Human Resources Private Limited, in the Register of Companies maintained by the ROC, Gujarat, and accordingly there shall be directions. The Company's name shall be restored 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;

Atarav

(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.

11. The Appeal stands disposed of accordingly.

Signature:



Ms. Manorama Kumari, Member (J).

Rmr.