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**NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD**

Co. Appeal No. 29/252/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: Prafull Mehta & Anr.

V/s.

ROC, 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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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. 29/252/NCLT/AHM/2017

In the matter of:

1. Shri Prafull Mehta,
S/o. Shri Ramesh Mehta,
74, Swastik Nagar,
Near MOG Line,
Indore-M.P.
2. Shri Dharmendra Bajpai,
S/o. Shri Suresh Chandra Bajpai,
1/6, New Rajmohalla Chouraha,
Indore-M.P. : Appellants.

Versus

Registrar of Companies,
Madhya Pradesh,
3rd Floor, 'A' Block,
Sanjay Complex,
Jayendra Ganj,
Gwalior (MP) 474009. : Respondent.

Order delivered on 8th December, 2017.

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

Appearance:

Mr. Dixit Shah, learned PCS for Appellants.
None present for ROC.

ORDER

1. This Appeal is filed by EEE IT Solutions Private Limited, through its Directors, seeking restoration of its name in the Register

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of Companies maintained by the Registrar of Companies, Gwalior, Madhya Pradesh. ['ROC'].

2. It is stated in the Appeal that the Company, EEE IT Solutions Private Limited was incorporated on 18th September, 2009 as a Private Limited Company having CIN No. U7220MP009PTC022405, and has been doing business since incorporation and active throughout.

3. It is stated that the ROC issued a letter dated 14.6.2017 which did not disclose any earlier show cause notice/letter issued by them, which goes to show that there is violation of Section 248(1) which requires inquiry letter to be issued to the Company before struck off. It is further submitted by the Appellants that ROC had failed to observe principles of natural justice during the proceeding of struck off. The very act of ROC was illegal and bad in the eye of law, since the same was done without following the procedure of law as per Section 248(1) of the Companies Act, 2013. The Appellants submitted that the Company has filed IT Returns with the Income Tax Department for the Financial Year 2015-16 (Assessment Year 2016-17) and for the Financial Year 2016-17 (Assessment Year 2017-18).

4. 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, EEE IT Solutions Private Limited, was struck off on 14.6.2017 from the Register of Companies and the same was published in the Gazette of India. This Appeal was filed on 8th September, 2017. Therefore, this Appeal is within time.

5. From the material available on record, the only reason for striking off the name of the Appellant Company, EEE IT Solutions Private Limited is that it failed to file Annual Returns and Financial Statements for the years from 2009-10 to 2015-16.

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

7. 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, EEE IT Solutions Private Limited in the Register of Companies maintained by the ROC, Gwalior, Madhya Pradesh, and accordingly there shall be directions. The Company's name shall be restored upon the Appellants complying with the following conditions;

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

(ii) The Appellants 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 Appellants 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.

8. The Appeal stands disposed of accordingly.

Signature: 

Ms. Manorama Kumari, Member (J).