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**NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD**

Co. Appeal No. 51/252/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: Maxwell Infocom Pvt Ltd.
(Pradeepkumar Ahuja)
V/s.
Registrar of Companies, Gujarat.

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.

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. 51/252/NCLT/AHM/2017

In the matter of:

Maxwell Infocom Private Limited
Registered Office at
M-4, 2nd Floor, Raj Complex,
Opp: Central Bank of India,
Nr. Vaishno Devi mandir,
Bhatar, Surat-395007

: Appellant.

Versus

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

: Respondent.

Order delivered on 8th December, 2017.

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

Appearance:

Mr. Dhiren Dave, learned PCS for the Appellant.

None present for ROC.

ORDER

1. This Appeal is filed by M/s. Maxwell Infocom Private Limited, through its Director, seeking restoration of its 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, Maxwell Infocom Private Limited, was incorporated on 14th February, 2008 as a Private Limited Company having CIN No. U74900GJ2008PTC052926, and has been continuously doing business and active throughout.

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, Ahmedabad. According to the Appellant Company it was unaware about the previous notices issued by the ROC and it was about to file necessary returns and financial statements with ROC. The Appellant Company has given reasons for non-filing of Annual Return and Accounts for last three years as required under various provisions of the Companies Act, 2013, such as due to inadvertent error; and due to change in Accountant and other administrative staff of the Company some times in 2010.

4. Appellant filed statement of bank accounts and income-tax return along with additional affidavit. The Appellant also filed affidavit stating about status of the bank accounts and of the directors of the company.

5. The ROC filed Representation dated 29th November, 2017 on 30th November, 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 31.3.2009 and hence its name was struck off.



6. The Appellant Company has filed copies of Audit Reports of the Company for the years from 2014 to 2016; copies of Income Tax Returns with Acknowledgments for the Assessment Years 2014-15; 2015-16; and 2016-17; Bank Statements of five Banks, etc.

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. Maxwell Infocom Private Limited, was struck off on 21.6.2017 from the Register of Companies and the same was published in the Gazette of India on 8th July, 2017. This Appeal was filed on 25th October, 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. Maxwell Infocom Private Limited is that it failed to file statutory returns such as Balance sheets and other Returns with the office of the ROC since 31.3.2009.

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. Maxwell Infocom 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;

(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.