

48  
**NATIONAL COMPANY LAW TRIBUNAL  
AHMEDABAD BENCH  
AHMEDABAD**

**Co. Appeal No. 56/252/NCLT/AHM/2017**

Coram:

**Present: Hon'ble Ms. MANORAMA KUMARI  
MEMBER JUDICIAL**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF AHMEDABAD  
BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 15.12.2017**

Name of the Company:

Jaipratap Singh Dangi & Anr.  
(Krishak Bio Trading Pvt Ltd)

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>
--------------	-------------------------------	--------------------	-----------------------	------------------

1.

2.

**ORDER**

None present for Appellant.

Order pronounced in open Court. Vide separate sheets.

*Manu*

**MANORAMA KUMARI  
MEMBER JUDICIAL**

Dated this the 15th day of December, 2017.

**BEFORE NATIONAL COMPANY LAW TRIBUNAL  
AHMEDABAD BENCH**

**Co. Appeal No. 56/252/NCLT/AHM/2017**

**In the matter of:**

Krishak Bio Trading Private Limited  
Madhya Pradesh.

**In the matter between:**

1. Jaipratap Singh Dangi  
S/o. Ajay Singh Dangi  
R/o. 04, Ghatkhedi,  
Gram Rodha,  
Vidisha,  
Madhya Pradesh-464001

2. Raghuraj Singh Dangi  
S/o. Khilan Singh Dangi  
R/o. 91/1 Gran Varkheda  
Kachhava, Vidisha,  
Madhya Pradesh-464001

: Appellants.

Versus

Registrar of Companies,  
Madhya Pradesh (Gwalior)  
3<sup>rd</sup> Floor, A Block,  
Sanjay Complex,  
Jayendra Ganj,  
Gwalior.

: Respondent.

Order delivered on 15<sup>th</sup> December, 2017.

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

**Appearance:**

Mr. Vinit Nagar, learned PCS for the Appellants.  
None present for ROC.

*Manorama*

**ORDER**

1. This Appeal is filed by the Appellants, who are Members and Equity Shareholders of the Company, namely M/s. Krishak Bio Trading Private Limited seeking restoration of its name in the Register of Companies maintained by the Registrar of Companies, Gwalior, Madhya Pradesh ['ROC' for short].
2. It is stated in the Appeal that the Company, M/s. Krishak Bio Trading Private Limited was incorporated on 13<sup>th</sup> March, 2013 as a Private Limited Company by Shares having CIN No. U01400MP2013PTC030274, and its Registered Office is situated at Ward No. 28, Khari Phatak Road, Vidisha, Madhya Pradesh-464001. The Company was engaged in the services of Agricultural and Animal Husbandry and was fully functioning and operative since its registration till the date on which it was struck off. According to the Appellants, the Company could not file the Financial Statements and Annual Returns due to inadvertence and there was no mala fide intention on the part of the Company or any of its officers. It is further the case of the Appellants that the Company is closely held private limited company having two shareholders holding entire share capital as Directors.
3. The Appellant has stated that the Respondent ROC vide Notice in the Form STK-7 dated 9<sup>th</sup> 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, Gwalior, Madhya Pradesh, and the same has also been published in the Official Gazette, Government of India, on 12<sup>th</sup> August, 2017.
4. The ROC filed Reply dated 21.11.2017 along with Affidavit before this Tribunal, stating that the name of the Company was struck off on suo motu basis on 09.6.2017 due to non-filing of Annual

*Handwritten signature*

Return and Balance Sheet for the financial years 2013-14 to 2015-16.

5. The Appellants filed copies of Financial Statements such as Audited Balance Sheets for the years 2013-14, 2014-15 and 2015-16 along with the Certificate of the Chartered Accountant; copies of Bank Statements; Acknowledgments of Income Tax Returns for the years 2016-17 and 2017-18; and other documents along with the Appeal.

6. This Appeal is filed by the Company under Section 252(3) of the Companies Act. The Shareholders of the Company are entitled to file Appeal seeking restoration of the name of the Company. Therefore, this Appeal is maintainable. The name of the Company, M/s. Krishak Bio Trading Private Limited, was struck off on 9<sup>th</sup> June, 2017 from the Register of Companies. This Appeal was filed on 1<sup>st</sup> November, 2017. Therefore, this Appeal is within time.

7. From the material available on record, the only reason for striking off the name of the Appellant Company, is that it failed to file statutory Annual Return and Balance Sheet for the financial years 2013-14 to 2015-16.

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

9. 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. Krishak Bio Trading 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;



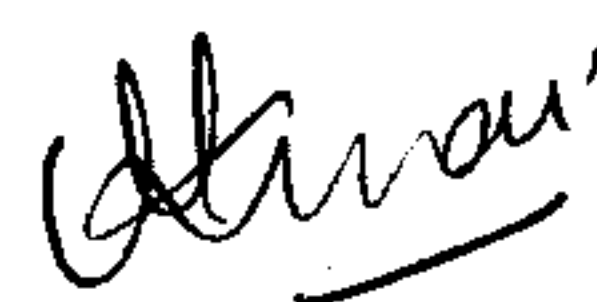
(i) The Appellants shall file all over due statutory returns with fee and additional fee as required under the Companies Act;

(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 Appellants;

(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.

11. The Appeal stands disposed of accordingly.

Signature:



**Ms. Manorama Kumari, Member (J).**

rmr