

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL  
BENGALURU BENCH

*PRESENT: SHRI RATAKONDA MURALI, MEMBER JUDICIAL*  
*SHRI. ASHOK KUMAR MISHRA, MEMBER TECHNICAL*

IN THE MATTER OF COMPANIES ACT, 2013 (18 OF 2013)  
AND  
IN THE MATTER OF M/s HALLITE SEALING SOLUTIONS  
INDIA PRIVATE LIMITED

IA NO. 01/2016  
IN  
TP 103/2016  
AND  
CA NO. 130/2(41)/CB/2016

CA NO. 130/2(41)/CB/2016

1. M/S Hallite Sealing Solutions India Private Limited  
Special Plot No. 10, 3<sup>rd</sup> Main Road,  
1<sup>st</sup> Stage, Peenya,  
Industrial Estate,  
Bangalore-560058.



- APPLICANT

PARTIES PRESENTED:

Mrs. S.C.Sharada, Practicing Company Secretary  
and Authorised representative for the Applicant.

ORDER

This Application is filed on behalf of the Petitioner Company with a prayer to permit the Petitioner Company to withdraw the company petition. The main petition CA 130/2016 corresponding to TP 103/2016 filed under section 2 (41) of the Companies Act, 2013 to permit the Petitioner Company to continue its financial year as 1<sup>st</sup> September to 31<sup>st</sup> August which is in-line with the group financial year globally.



The Petitioner Company filed application before Company Law Board with a request to approve the financial year from 1<sup>st</sup> September to 31<sup>st</sup> August. The said petition was transferred to this Tribunal. It is further stated that the Petitioner Company filed Form GNL-1 with Registrar of Companies, Karnataka, Bengaluru vide SRN C80322910 dt: 1/3/2016. Though the form filed was correct, it came back for resubmission twice with the following remarks:



1<sup>st</sup> resubmission: to continue the financial year from September to August, ROC has no power under section 2 (41). 2<sup>nd</sup> resubmission: intimation to be filed with the Registrar in GNL-2.

The Company could not resubmit in GNL-2 since technically only GNL-1 which was the form originally submitted could be resubmitted. That is to say resubmission in a new form was not possible.


It may be noted that the Company had used the correct form GNL-1 for filing the application u/s 2(41) of the companies Act, 2013 and not GNL-2 which is a form to be used in case of intimation to Registrar of Companies. Due to technical reasons explained above, the Company could not resubmit the Form in GNL-2. After a lapse of the prescribed time, the Form GNL-1 was treated as invalid and transaction was cancelled by Registrar of Companies on 13/7/2016.

Therefore, it is prayed to permit the Petitioner Company to withdraw the petition, so as to enable the Company to file fresh application under section 2(41) of the Companies Act, 2013 before this Tribunal.

We have heard the Practicing Company Secretary, Mrs. S.C.Sharada, we are of the view is that permission could be granted to the Petitioner Company to withdraw the petition.



In the result IA No. 1/16 is allowed and permission is granted to the Petitioner Company to withdraw the Petition. Consequently petition is dismissed as withdrawn. Copy of this order be communicated to the Registrar of Companies, Karnataka, Bengaluru.

  
(RATAKONDA MURALI)  
MEMBER, JUDICIAL

  
(ASHOK KUMAR MISHRA)  
MEMBER, TECHNICAL

DATED THIS THE 23<sup>rd</sup> DAY OF AUGUST, 2016