

**NATIONAL COMPANY LAW TRIBUNAL**  
**NEW DELHI BENCH**  
**NEW DELHI**

**C.P.No.**  
**CA.Nos. 06/14/2016**  
**PRESENT: SMT.INA MALHOTRA**  
**Hon'ble Member (J)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NEW DELHI BENCH OF  
THE NATIONAL COMPANY LAW TRIBUNAL ON 03.03.2017**

**NAME OF THE COMPANY:** M/s. Jainco Buildcon Ltd.

**SECTION OF THE COMPANIES ACT:** 14(1)

<b><u>S.NO.</u></b>	<b><u>NAME</u></b>	<b><u>DESIGNATION</u></b>	<b><u>REPRESENTATION</u></b>	<b><u>SIGNATURE</u></b>
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**ORDER**

This application has been filed under Rule 32 of the NCLT Rules 2016 for condonation of delay in taking appropriate steps with the office of the Registrar of Companies, pursuant to the permission received from NCLT u/s 14(1) of the Companies Act.

2. As per averments, the applicant company had filed an application for converting to a Private Limited Company which was allowed vide order dated 30.11.2016. The applicants submit that in terms of provisions of section 14(1) of the Companies Act, 2013 r/w Rule 33 of the Companies (incorporation) fourth Amendment Rules 2016, the company was required to file Form INC 27 within 15 days of receipt of the order which the petitioner submits was received on 09.12.2016. It is further submitted that several attempts were made to upload Form INC-27, but the attempts were

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unsuccessful as a site reflected an error. On making enquiries with the e-governance cell of the Ministry, they were informed that the same occurred on account of a technical glitch. Fresh attempts were made. However, the office of the Registrar of Companies did not accept the same on the grounds that it was required to be filed in Form INC-28 within 30 days of receipt of the order. Due to the confusion, Form INC 28 could not be filed within the prescribed 30 days as the petitioner had taken steps to upload the Form INC 27 in line with the Rules and Statutory provisions.

3. Given the facts of the case, since the office of the RoC requires uploading of the order of the NCLT in Form INC 28, permission to file the same in Form INC-27 or INC-28 within 15 days from today is being granted to the petitioner and the delay in filing the same is hereby condoned for the aforesaid reasons.

4. Petition is allowed and stands disposed off.

Sd —

**(Ina Malhotra)**  
**Member Judicial**