

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

Company Petition No. 165/2(41)/NCLT/MB/2016

Coram: B. S. V. Prakash Kumar, Member (Judicial)
V. Nallasenapathy, Member (Technical)

In the matter of Section 2(41) of the Companies Act, 2013

And

BERTLING LOGISTICS INDIA PRIVATE LIMITED Petitioner

Present: Ms. Meghna Mhatre, Practicing Company Secretary for the Petitioner.

ORDER

(Heard and Pronounced on 20-01-2017)

Per : V. Nallasenapathy, Member (Technical)

1. The Petitioner Company filed this Company Petition seeking the following reliefs:

- a) *"To allow the Company to follow its financial year as 1st January to 31st December as per the first proviso of Section 2(41) of the Companies Act, 2013.*
- b) *Pass such further or other orders as this Hon'ble Company Law Board, Mumbai Bench, Maharashtra may deem fit and proper in the circumstances of the case."*

2. The Petitioner Company was incorporated on 11/01/2007 as a Private Company Limited by shares with the name as "Bertling Logistics India Pvt. Ltd", vide CIN: U63013MH2007PTC166928 and having its registered office at No 402, 4th Floor, Acruti Trade Centre, Road No.7, MIDC, Andheri East, Mumbai-400093.

3. The Petitioner Company submits that, it is the subsidiary of F. H. Bertling Limited incorporated and registered under the applicable laws of United Kingdom, having its office at Wembley, United Kingdom. The Holding Company follows the financial year from 1st January to 31st December every year. The Petitioner company also follows the financial year from 1st January to 31st December every year. The Board of Directors of the Petitioner company has

accordingly approved to proceed with its financial year from 1st January to 31st December, every year.

4. On hearing the submissions of the Petitioners' counsel, it is evident that Applicant Company is a subsidiary of holding company incorporated outside India. Therefore, to align with the financial year of the holding company, we are of the view that there is a need to allow the applicant company to continue with the financial year commencing 1st January to 31st December, of every year as is mentioned in Section 2(41) of the Companies Act, 2013 conferring powers on National Company Law Tribunal, or to allow any of the period mentioned in section.
5. Therefore, this Bench hereby allows the Petitioner Company Viz. "Bertling Logistics India Pvt. Ltd" to continue with its financial year starting 1st January of every year and closing on 31st December of the year and for the years to come.
6. Accordingly, this Company Petition is allowed.

Sd/-

V. NALLASENAPATHY
Member (Technical)

Sd/-

B. S. V. PRAKASH KUMAR
Member (Judicial)