

**IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH**

**I.A. No. 151/17
IN
Co.P.No.43/17
Under section 14 of Companies Act, 2013**

**IN THE MATTER OF SECTION 14 OF THE COMPANIES ACT, 2013
AND
IN THE MATTER OFFERRO CEMENTS PRE FABLIMITED**

Order delivered on: 14th November 2017

Coram: Hon'ble Shri RatakondaMurali, Member(Judicial)
Hon'ble Shri Ashok Kumar Mishra, Member (Technical)

**Ferro Cements Pre Fab Limited,
No.187, Link Road,
Malleshwaram,
Bangalore-560001.**

PETITIONER COMPANY

For the Petitioner(s):Mr.K.Narendra, Practising Company Secretary

ORDER

This Interlocutory Application is filed by the Managing Director of the Petitioner Company with a prayer to condone the delay in non-filing of INC-27 with the Registrar of Companies, Karnataka-Bangalore within the stipulated period as required under Section 14 of the Companies Act, 2013.

The averments made in the Application are briefly described hereunder:-

It is averred that, the Tribunal vide its order dated 30th August 2017 has allowed the Petition filed by the Petitioner Company for the conversion of the company from Public Limited Company to Private Limited Company and it was approved and the Company was directed to make necessary changes accordingly in the Memorandum and Articles of Association of the Company and to comply to the Registrar of Companies, Karnataka-Bangalore within 15 days from the date of this order. However, the Petitioner Company failed to comply the same within the stipulated period as required under Section 14 of the Companies Act, 2013 for the reason stating that, the order of Hon'ble Tribunal is filed in E-Form 28



with the Registrar of Companies, Karnataka-Bangalore for the conversion of public company into private company and the Petitioner Company tried to file the INC 27 simultaneously, but the system was displaying INC 28 has to be approved first and the Petitioner Company waited to get approval of the INC 28 and it was approved later, due to this the filing of INC-27 could not take place in time due to various practical problems. Hence delay is occurred.

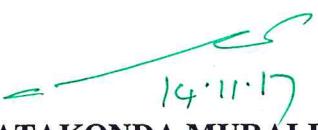
We have gone through the I.A 151/2017 filed by the Managing Director of the Petitioner Company and also heard the Practicing Company Secretary, who contended that, delay occurred due to practical reasons and prayed for condonation of delay in non-filing of INC 27 with the Registrar of Companies, Karnataka-Bangalore within the stipulated period.

Considering the circumstances as briefed in the I.A 151/2017 filed by the Managing Director of the Petitioner Company, we are of the opinion that there are grounds to condone the delay in non-filing of INC 27 with the Registrar of Companies, Karnataka-Bangalore as required under section 14 of the Companies Act, 2013. The application deserves to be allowed.

In the result I.A 151/17 is allowed and the delay is condoned and the Petitioner Company is permitted to file the INC-27 with the Registrar of Companies, Karnataka-Bangalore as required under section 14 of the Companies Act, 2013 immediately.



(ASHOK KUMAR MISHRA)
MEMBER, TECHNICAL



14.11.17
(RATAKONDA MURALI)
MEMBER, JUDICIAL