

**NATIONAL COMPANY LAW TRIBUNAL
CHANDIGARH BENCH, CHANDIGARH**

CP NO.76/Chd/2016

In the matter of M/s J.D.Realtors Ltd.

Present: Ms. Kajal Rai, Practising Company Secretary for petitioner.
Mr. Santosh Kumar, Registrar of Companies, Punjab,
Present in person.

Advertisement has also been published in two newspapers, one in English and the other in vernacular language on 27.12.2016 which are attached.

The Registrar of Companies, Punjab has pointed out that the balance sheets for the years ending 31.03.2015 and 31.03.2016 show huge amounts as refundable payments. It is submitted that the same is covered within the definition of term "deposit" as per sub clause xii (a) of Clause (c) of Section 2(1) of the Companies (Acceptance of Deposit) Rules, 2014. Clause (c) says that "deposit includes any receipt of money by way of deposit or loan or in any form by a company, but does not include (i) to (xi)
(xii) any amount received in the course of or for the purpose of business of the company.

(a) "as an advance for the supply of goods or provision of services accounted for in any manner whatsoever provided that such advance is appropriated against supply of goods or provision of services within a period of three hundred and sixty five days from the date of acceptance of such advance.

Provided that in case of any advance which is subject matter of any legal proceedings before any court of law, the said time limit of three hundred and sixty five days shall not apply."

Rajesh
M


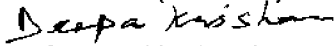
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The Registrar of Companies, Punjab has contended that this refundable amount is lying with the company for more than one year and, therefore, it becomes deposit.

However, in the affidavit of two Directors of the company filed in compliance of the previous order, a statement has been made that there is no creditor of the company. Learned counsel for petitioner is directed to file a fresh affidavit with regard to these clarifications and it is also directed that the *audited* ^A balance sheets for the last three years i.e. ending 31.03.2014, 31.03.2015 and 31.03.2016 be also attached with the said affidavit. List the matter for 23.02.2017. Affidavit of compliance along with documents be filed at least three days before the date fixed.

January 27, 2017

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(Justice R.P. Nagrath)
Member (Judicial)

(Deepa Krishan)
Member (Technical)

**NATIONAL COMPANY LAW TRIBUNAL
CHANDIGARH BENCH, CHANDIGARH**

CP NO. 102/2013

HRM Enterprises

...Petitioner.

Versus

B.K. Krafts Ltd.

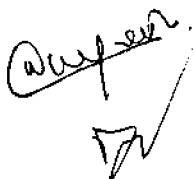
...Respondent

Present: Ms. Manisha Garg, Advocate for petitioner.
None for respondent.

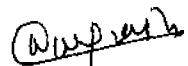
This case has been received by transfer from the Hon'ble Punjab & Haryana High Court, Chandigarh. It be entered in the relevant register. When the matter was listed for 21.11.2013 in the Hon'ble High Court, the notice sent to the respondent was received back unserved with the remarks that the factory was lying closed and the learned counsel for petitioner sought time to find out the correct/latest address of the respondent. Time was granted to do the needful but compliance of the order was not made.

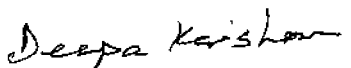
Learned counsel for petitioner again seeks time to furnish the correct/latest address of the respondent. Let the same be filed within five days. The learned counsel would collect the notice from the office of NCLT, Chandigarh Bench and send the same to the respondent by Speed Post for 09.03.2017. Affidavit stating compliance along with acknowledgement due, in token of despatch of notice and track report of Post Office, be filed at least three days before the date fixed.

Learned counsel for the petitioner is also directed to file two extra

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sets of the Paper Book at least one week before the date fixed.


(Justice R.P. Nagrath)
Member (Judicial)


(Deepa Krishan)
Member (Technical)

January 27, 2017
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