

NATIONAL COMPANY LAW TRIBUNAL : NEW DELHI

COURT-III

Appeal No.21/252/ND/2018

IN THE MATTER OF:

IRY Audios Pvt. Limited

.. PETITIONER

SECTION :

Under Section 252 (3)

Order delivered on 22.1.2018

Coram :

R. VARADHARAJAN,
Hon'ble Member (Judicial)

For the Petitioner/Applicant

: Mr. Rakesh Wadhwa, Advocate

For the Respondents

:

For the Intervener

: Ms. Easha Kadian, Standing Counsel,
Income tax Deptt.

ORDER

Learned Counsel for the petitioner is present and moves this petition. It is represented by the Ld. Counsel for the petitioner that an advance copy of the petition has already been dispatched to the Respondent ROC as well as to the Income tax Department and that the same had been served on 19.12.2017 and on 21.12.2017, respectively upon these authorities.

It is further represented by the Ld. Counsel for the petitioner that the petitioner being an Assessee under the Income tax Act has been regularly filing the Returns for all the assessment years including the assessment year, namely, 2014 -15 to 2017-18 and that the proof of filing the Returns have been



Contd.

duly enclosed from page 35 to 37 of the typed set of documents filed along with the petition. Ld. Counsel for the petitioner also states that the Director of the Company was disqualified by the Respondent ROC by virtue of Section 164 and 166 of the Companies Act, 2013 and thereafter, the Hon'ble High Court of Delhi had issued certain directions for the restoration of the Directors before 31.3.2018 in view of the Notification issued by the Ministry of Corporate Affairs and requests that the petition may be disposed off at the earliest.

However, none appears for the respondent ROC, Respondent ROC to file its observations/reply within a period of 7 days from today (22.1.2018), failing which, this Tribunal will be constrained to proceed with the matter presuming that the respondent ROC does not have any objection for the restoration of name of the Company in the register of Registrar of Companies.

Income tax Department also to respond within a period of 7 days.

Post the matter on 05.2.2018.

Surjit
22.1.2018

- Sd/-
(R. VARADHARAJAN)
MEMBER (JUDICIAL)