

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 156 of 2020

In the matter of:

**1. Reliance India Realty Opportunities
LLP**

Having office at 4th Floor, Tower A,
Peninsula Business Park,
Ganpatrao Kadam Marg, Lower Parel,
Mumbai- 400013.

Having registered office at 5th floor,
Reliance Centre, 1041,
Maharaj Ranjit Singh Marg,
New Delhi- 110002.

...Appellant No. 1

**2. Nippon Life India AIF Management
Limited**

Having office at 4th Floor, Tower A,
Peninsula Business Park,
Ganpatrao Kadam Marg, Lower Parel,
Mumbai- 400013

Having registered office at Reliance Centre,
7th Floor, South Wing, Off. Western
Express Highway, Santacruz (East),
Mumbai- 400055.

...Appellant No. 2

VERSUS

**1. Registrar of Companies,
NCT of Delhi & Haryana**

Having office at 4th Floor, 64- IFCI
Tower, Nehru Place,
New Delhi- 110019.

...Respondent

Present

**For Appellant: Mr. Amit Agrawal, Mr. Kushagra Agrawal, Ms. Radhika
Yadav & Mr. Rishub Kapoor, Advocates.**

For Respondents: None.

ORDER
(Virtual Mode)

29.09.2020: Heard the Learned Counsel for the Appellants.

2. The instant Appeal before this Appellate Tribunal, arises out of the Impugned Order dated 17.09.2020 passed by the National Company Law Tribunal, New Delhi, Court- IV in Appeal No. 323/252/ND/ 2020 which runs to the following effect:

“This is a new Appeal filed under Section 252 of the Companies Act. Learned Counsel Mr. Aggarwal states that they have annexed the interim application seeking urgent hearing of the appeal, to avail ROC scheme which is ending on 30th September, 2020. It is a submission made by the learned counsel that company was struck off in 2016. The appellant came to know about the striking off the Company in 2019 and appeal is filed in 2020. In our view, no urgency is seen.

Learned counsel for Income Tax Department undertakes to file reply. Let, ROC and Income Tax Department file reply within four weeks, with copy in advance to the other side”

3. And the matter was directed to be listed on 12th November, 2020.

4. At this juncture, the Learned Counsel for the Appellants points out that the relevant portion of the General Circular No. 6/2020 bearing F.No. 17/61/2016 (CL-V)-Pt- I of the Government of India, Ministry of Corporate Affairs, dated 4th March, 2020 on the Subject: - ‘LLP Settlement Scheme’, 2020 reads as under:

“ (vi) The immunity from prosecution in respect of document(s) filed under the scheme- The defaulting LLPs, which have filed their pending documents till 13th June, 2020 and made good the default, shall not be subjected to prosecution by Registrar for such default”

5. When the fact situation remains thus, the Learned Counsel for the Appellants points out that the ‘LLP Settlement Scheme’, 2020 dated 4th March, 2020 issued by the Government of India, Ministry of Corporate Affairs as

aforesaid, the dead line was extended up to 31st December, 2020. Therefore, the Learned Counsel for the Appellants in this Appeal submits that the Appellants will be satisfied if a direction is issued by this Tribunal to the National Company Law Tribunal, New Delhi, Court- IV to take up Appeal No. 323/252/ND/ 2020 on its file as expeditiously as possible and to dispose of the same within a time frame to be determined by this Tribunal.

6. It is to be pointed out the striking of a Company from the Registrar of Companies is an alternate to winding up.

7. Taking note of the fact that the 'LLP Settlement Scheme', 2020 dead line has been extended till 31st December, 2020 by the Government of India, Ministry of Corporate Affairs, New Delhi, at this stage, this Tribunal, simpliciter, without traversing upon the merits of the matter and not expressing any opinion one way or the other, on the issues/ controversies involved in the pending Appeal NO. 323/252/ND/2020 before the National Company Law Tribunal, New Delhi, Court- IV issues direction to the pending Appeal to be taken up by the National Company Law Tribunal, New Delhi, Court- IV within one week from today, and to dispose of the same, of course, after providing necessary opportunities to respective sides and to pass orders on merits in accordance with Law within a period of three weeks, thereafter. With the aforesaid observations instant Appeal stands disposed of. I.A. No. 2246 of 2020 (Stay Application) is closed.

[Justice Venugopal M.]
Member (Judicial)

[Dr. Alok Srivastava]
Member (Technical)

Sim/nn