

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No.111 of 2020

IN THE MATTER OF:

M/s Sai Abacus Education System Pvt. Ltd.

...Appellant

Versus

Registrar of Companies, New Delhi

...Respondent

Present:

For Appellant: Ms. Sujatha Shirolkar, Advocate

For Respondent: Mr. Kamalkant Jha and Mr. Santhosh Kumar, (RoC)

O R D E R

(Virtual Mode)

27.07.2020 Heard the Learned Counsel for the Appellant. The Learned Counsel for the Appellant says that the Appellant had filed Returns but only Balance-sheet for one year was yet to be filed and the name of the Company came to be struck off. The Impugned Order says that 'RoC' had initiated action for non-filing of Annual Returns for the years 2015-2016 and 2016-2017. The Ld. NCLT has granted relief to the Appellant subject to payment of costs of Rs. 25,000/-in the Prime Minister Relief Fund along with Rs. 50,000/- in the Ministry of Corporate Affairs.

The Learned Counsel for the Appellant states that the Appellant is in the profession of Education and has been suffering losses and thus the costs should not have been imposed.

Respondent is 'RoC'. We dispense with Notice to 'RoC' matter being only of costs.

Considering the default and the order passed, it appears to us that it will be appropriate considering proportionality to reduce the costs to payment of Rs. 25,000/- in the Prime Minister Relief Fund and we set aside the direction of the Ld. NCLT to pay another Rs. 50,000/- to the Ministry of Corporate Affairs.

With this modification in Impugned Order, the Appeal stands disposed of.

[Justice A.I.S. Cheema]
Member (Judicial)

[Justice Venugopal M.]
Member (Judicial)

[Kanthi Narahari]
Member (Technical)

Basant B./ md/