

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal(AT) No. 164 of 2018

IN THE MATTER OF:

**Rajendra Suresh Bhumkar
Director of Arihant Realities Pvt. Ltd.**

...Appellant

Vs

Registrar of Companies, Pune

....Respondent

Present:

For Appellant: Ms. Deeplaxmi S. Matwankar, Advocate.

ORDER

08.08.2018 An application was preferred by the Appellant under Section 252 of the Companies Act, 2013 for restoration of the Company which has been allowed by the National Company Law Tribunal, Mumbai Bench (hereinafter referred to as 'Tribunal') by impugned order dated 26th March, 2018. However, while allowing the prayer a cost of Rs. Five lakhs has been imposed on the Appellant. The grievance of the Appellant is limited to the cost imposed on him.

Notice was issued on Respondent- Registrar of Companies, Pune but, in spite of notice nobody has appeared.

Heard learned Counsel appearing on behalf of Appellant and perused the record. Taking into consideration of the fact that the Appellant made out a good case for restoration of the name of the Company the application under Section 252 of the Companies Act, 2013 has been allowed. In such circumstances, we

are of the opinion that there was no occasion for the Tribunal to impose cost on the Appellant.

We accordingly set aside the part of the order dated 26th March, 2018, so far it relates to imposition of cost of Rs. Five lakhs on the Appellant. Rest part of the order dated 26th March, 2018 is affirmed. Appeal is allowed. No cost.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

Akc/Sk