

DIVISION BENCH

ITEM NO.106

**NATIONAL COMPANY LAW TRIBUNAL
ALLAHABAD BENCH
PRAYAGRAJ**

CP No.72/ALD/2022

CORAM:

- 1. SHRI PRAVEEN GUPTA,
HON'BLE MEMBER (JUDICIAL)**
- 2. SHRI ASHISH VERMA,
HON'BLE MEMBER (TECHNICAL)**

Date of Order: 2nd May, 2024

Attendance-Cum-Order Sheet of the Hearing.

NAME OF THE COMPANY	M/S MOTEL UTTRAYANI PVT. LTD. V/S ROC, UTTARAKAND
UNDER SECTION	252(1) OF COMPANIES ACT, 2013

COUNSEL APPEARED THROUGH PHYSICAL/ VIRTUAL HEARING:

Sh. Abhinav Gaur with Sh. Mayank Gaur, Adv. : *For the Petitioner*
Sh. Krishna Dev Vyas, Adv. : *For the ROC*
Sh. Krishna Agarwal, Sr. S.C. : *For the I.T. Deptt.*

ORDER

Ld. Counsels representing the parties are present.

- 1.** In this case, the name of the company was struck off in the year 2017 and a delay condonation application has been filed, which was allowed after hearing the Ld. Counsel for both parties subject to the payment of cost.
- 2.** It is submitted by the Ld. Counsel representing the petitioner that the name of the company was struck off in the year 2017. However, reasons for striking off of the name of the company is for non-filing of the annual returns for the year 1999-2000, 2000-2001 by the petitioner company.
- 3.** Ld. Counsel representing the petitioner therefore, seeks and is granted two weeks time to file/place on record the balance sheets for the said periods.
- 4.** It is pointed out by the Ld. Counsel representing the Income Tax Department that there is an outstanding of Rs.10 lacs as per the assessment order already

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passed against the Respondent Company, and an amount of Rs. 2.3 lacs has already been adjusted from the refund the become due to the appellant, therefore, according to him as of now, an amount of Rs.7.7 lacs is outstanding to be paid by the Respondent Company.

5. Ld. Counsel representing the petitioner company however, states that a rectification request has been made in accordance with the provisions of the law, which is under consideration to enable the petitioner to settle the above outstanding demand. An affidavit in this regard may be filed by the Appellant by serving an advance copy to the other side.
6. The Ld. Counsel representing the appellant undertakes to file the affidavit about rectification application made by the Appellant to the Income Tax Department.
7. Let the matter be adjourned for further hearing on 13th June, 2024.

-Sd-
(Ashish Verma)
Member (Technical)

2nd May, 2024

Bipul Kumar Tiwari
(Stenographer)

-Sd-
(Praveen Gupta)
Member (Judicial)