

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) No. 64 of 2018

IN THE MATTER OF:

Venku Hospitals Pvt. Ltd. & Anr.

...Appellants

Versus

ROC, Chennai

...Respondent

Present:

For Appellant : Ms. Shruti Iyer and Mr. Anandh K., Advocate

O R D E R

28.02.2018 The name of the company was struck off in the year 2005 after notice to the appellant. The appellant company preferred appeal before the Tribunal under Section 252 of the Companies Act, 2013 in the year 2017. When it was pointed out that the appeal is barred by limitation in view of Section 433 of the Companies Act, 2013, learned counsel appearing on behalf of the appellant referring to sub-section (3) of Section 252 and submits that 20 years limitation has been prescribed therein to prefer the appeal.

The question arises for consideration in this appeal is as to whether the Director/shareholder/member is entitled to file an appeal under Section 252 of the Companies Act, 2013 and whether sub-section (3) of Section 252 is prevailing over the Section 433 of the Companies Act, 2013.

As prayed and being satisfied, delay in re-filing is condoned.

Let notice be issued on the respondent by Speed Post. Requisite alongwith process fee, if not filed, be filed by 5th March, 2018. If the appellant provides *e-mail* address of the respondent, let notice be also issued through *e-mail*.

Post the matter on 23rd March, 2018 before the appropriate Bench.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

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