

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI
COMPANY APPEAL(AT) NO.134 OF 2018

IN THE MATTER OF:

Cayenne Developments Pvt Ltd

Appellant

Vs

ROC. Bangalore

Respondents

Present:

For Appellant:- Mr. Badri Vishal, Advocate.

For Respondents:- None.

O R D E R

13.08.2018 - Counsel for the appellant refers to para 4(iii) of the petition which was filed before the NCLT to submit that the Special Resolution dated 13.12.2016 was filed with Registrar of Companies in Form No. MGT 14. He states that the company had earlier tried to upload the Form when the Resolution dated 13.12.2016 was passed but earlier did not succeed, may be because Section 248 came to be enforced later with effect from 26th December, 2016. He states that the Form was later uploaded in February, 2017 regarding which the payment receipt is there filed with the appeal at Page 57. The counsel states that in the reply filed by ROC in NCLT as well as the reply filed here in appeal, the ROC has not specifically answered if such form was submitted.

I find that the pleading is little vague as it does not specifically state as to the date when the form was actually uploaded with ROC.

The appellant is permitted to file affidavit with categorical statement as to whether Form MGT 14 with respect to Section 248 (2) of the Companies Act, 2013 was filed and the date of filing with proof of filing.

ROC will also cross check this claim of the appellant and after the appellant files the affidavit the ROC should file specific reply affidavit.

None present for ROC. The appellant to file the affidavit by 20th August, 2018.

List the appeal on 20th August, 2018.

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

Bm/nn