

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**Company Appeal (AT) No. 40 of 2020****IN THE MATTER OF:****Ms. Leena D. Bagwe****...Appellant****Versus****The Registrar of Companies, Mumbai****...Respondent****For Appellant: Mr. Prakash K. Pandya, PCS****For Respondent: None****ORDER**

23.06.2020 Heard the Learned Practising Company Secretary for the Appellant. This Appeal has been filed against Impugned Order dated 07th January, 2020 pronounced by the National Company Law Tribunal, Mumbai Bench, Mumbai in C.P. No. 1461/252/MB/2019. The Prayer of the Appeal is only challenging the portion of the Impugned Order where costs of Rs. 7 Lakhs have been imposed by the Ld. NCLT while deciding the C.P No. 1461/252/MB/2019 on 07th January, 2020.

2. By the Impugned Order, Ld. NCLT noticed that the Appellant was incorporated on 17th December, 1991 and the Appellant came to be struck off on 04th December, 2018 as it had not filed Annual Returns since incorporation. In Para 10 of the Impugned Order, the Restoration of the name of the Company was allowed subject to payment of costs Rs. 7 Lakhs.

3. In this matter, Notice was issued on the last date. We do not have the Respondent/RoC before us. Even otherwise, costs would be a matter of judicious consideration by the Ld. NCLT and in Appeal by us.

4. The Impugned Order does not show as to why such a huge costs of Rs. 7 lakhs have been imposed. Mr. Prakash K. Pandya, Practising Company Secretary states that this Tribunal may substitute the costs imposed by any reasonable amount.

5. Going through the matter, it appears to us that in the facts of the case, in place of Rs. 7,00,000/-, costs should be Rupees One Lakh Fifty Thousand only/- . In the Impugned Order, in place of “Rs. 7,00,000/-” read “Rs.1,50,000/-”.

6. We make it clear that this Order will not come in the way of RoC to recover other statutory penalties/dues/filings, liable to be paid by the Appellant, as per law.

The Appeal is disposed of.

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

[Justice Venugopal M.]
Member (Judicial)

[Kanthi Narahari]
Member (Technical)

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