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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CO.PET. 412/2013**

MEDICHEM PHARMACEUTICAL INDIA PVT LTD..... Petitioner

Through **Mr.Ajay Kumar, Adv.**

versus

REGISTRAR OF COMPANIES

..... Respondent

Through **Mr.P.S.Singh, Sr. Panel Counsel UOI**
for ROC.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **19.07.2018**

Co. Appl. 912/2017

This application is filed seeking condonation of delay in complying with the statutory procedure and submitting the certified copies of the order of this court dated 04.09.2014 before the ROC.

It has been pleaded that till the Company was made active, the ROC was not accepting document and hence, there has been a delay in filing the certified copy of the order of this court dated 04.09.2014.

Learned counsel appearing for the ROC states that the appropriate forum to condone the delay would be NCLT. However, he is unable to throw any light on the statutory provisions that would be applicable as is sought to be argued by him.

Section 560(7) of the Companies Act, 1956 says that upon an order

being passed under Section 560(6) of the Act, certified copy of the order would be delivered to the Registrar for registration and the company shall be deemed to have continued in existence as if its name had not been struck off. No time period is stated in the said statutory provision.

The orders under Section 560(6) were passed by this court on 14.09.2014. In my opinion, this court would have the power to condone the delay in filing the certified copies.

In the interest of justice, the petitioner is permitted to file the certified copy within two weeks from today before ROC. Any penalty, if applicable, as per law may be imposed by ROC.

The application stands disposed of.

JAYANT NATH, J

JULY 19, 2018
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