**PETITION UNDER SECTION 141 OF THE COMPANIES ACT, 1956 SEEKING EXTENSION OF TIME FOR REGISTRATION OF FORM 8 REGARDING CREATION OF CHARGE**

BEFORE THE COMPANY LAW BOARD,

WESTERN REGION BENCH,
MUMBAI
Company Petition No. \_\_\_\_\_\_\_\_\_\_\_\_\_ of 2007
In the matter of Section 141 of the Companies Act, 1956
AND
In the matter of

having its registered office at

………………….. Petitioner

AND
In the matter of
The Registrar of Companies, Gujarat

………………….. Respondent

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4 Copy of Memorandum & Articles of Association duly certified by Director of the Company
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5 Sanction letter of Bank regarding creation of Charge
-
6 Copy of Form No. 8 alongwith challan having SRN dated
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7 Copy of letter No. dtd. issued by Ministry of Company Affairs
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8 Certified true copy of board resolution passed by the meeting of the Board of Directors held on authorizing director of the company to approach Hon’ble Company Law Board, western Region, Mumbai
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PETITION UNDER SECTION 141 OF THE COMPANIES ACT, 1956 SEEKING EXTENSION OF TIME FOR REGISTRATION OF FORM 8 REGARDING CREATION OF CHARGE

1. Particulars of the Company
The particulars of Limited, the Petitioner herein are given in Para 6.1 to 6.5.

2. Particulars of the Petitioner
The particulars of the Petitioner are given in Para 6.1 to 6.5.

3. Particulars of the Respondent
The particulars of the Respondent are as given in the cause title.

4. Jurisdiction of the Bench
The Petitioner declares that the subject matter of the Petition is within the jurisdiction of the Company Law Board, Western Region Bench at Mumbai.
5. Limitation
The Petitioner further declares that there is no delay in filing the Petition.

6. Facts of the case:
The Petitioner hereinabove humbly state as follows:

6.1 Limited (herein after referred to as ‘the Petitioner’) was incorporated on the under the provisions of the Companies Act, 1956 as a Company Limited by Shares having its registered office at

6.2 The Authorised Share Capital of the Petitioner is Rs. ( ) divided in to ( ) Equity Shares of /- ( ) each out of which the issued and subscribed capital of the company is Rs. /- (Rupees ) divided in to ( ) Equity Shares of Rs. - each fully paid .

6.3 The Liability of the members is limited.

6.4 The objects for which the Petitioner was formed are set out in clauses III [A] of the Memorandum of Association are as under:

6.5 The Petitioner presently engaged in the business . A copy of the Memorandum and Articles of Association of the Company is annexed hereto and marked as Annexure –A-1.

6.6 That the Petitioner further declare that the petition is in accordance with Section 141 and other applicable provisions of the Companies Act, 1956. (hereinafter referred to as ‘The Act’)

6.7 The Petitioner had availed the Loan of from vide Deed of Agreement of dated . A copy of sanction letter is annexed hereto and marked as Annexure- A-2

6.8 However due to inadvertence the particulars of creation of charge in the requisite Form No. 8 was filed with the Ministry of Company Affairs on i.e. after a delay of . A copy of Form 8 alongwith challan is annexed hereto and marked as Annexure - A-3

6.9 The Respondent vide its dated stated that aforesaid Form No. 8 has been filed with a delay of one month and three days, which is beyond the condonable limit of Respondent and directed the Petitioner to move this Hon’ble Board for getting the same extended upto and inclusive of and get delay condoned. The copy of said letter of the respondent is annexed hereto and marked as Annexure- A-4.

6.10 The Petitioner respectfully states that the delay in filing the particulars of charge was purely an accidental omission without any malafide / willful intention on the part of the Petitioner. The Petitioner submits that there were no improper motives and the delay was purely due to inadvertence.

6.11 The Petitioner respectfully states that no creditor or shareholder would be prejudiced by this petition for condonation of delay and by extension of time for filing the particular of creation of charges.

7. Matters not previously filed or pending with any other court:
The Petitioner further declares that it had not previously filed any application, writ petition or suit regarding the matter in respect of which this petition has been taken before any court of law or any other authority or any other bench of the Board and not any such application, writ petition or suit is pending before any of them.

8. Relief(s) sought:
In view of the facts mentioned in Para 6.1 to 6.11 above, the Petitioners pray for the following relief(s):

a) That delay in filing the particulars of the creation of charge in favour of for Rs. (Rs. ) be condoned and the time for filing Form No. 8 under section 141 of the Companies act, 1956 be extended up to and inclusive of and that the Respondent be directed to register the aforesaid particulars of creation of charge.

b) Pass such other order as the Hon’ble Company Law Board may deem fit and proper in circumstances of the case.

9. Particulars of Bank draft evidencing payment of fee:-

a. Branch of the Bank on which drawn :
b. Name of the issuing branch :
c. Demand Draft No. :
Date :
Amount :

10. List of enclosures:-
An index containing the list of enclosures attached to the Petition is attached separately.

FOR

Date :
Place: DIRECTOR

BEFORE THE COMPANY LAW BOARD, WESTERN REGION BENCH
MUMBAI
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AFFIDAVIT VERIFYING PETITION

I, s/o aged about years am director of the petitioner and am authorized to file the petition and to make this affidavit. I hereby solemnly affirm and state

(1) that the contents of Para 1 to 7 of the Petition are true to the best of our knowledge and information, based on the records and we believe the same to be true; and

(2) that those contained in Para 8 are our prayers to the Hon’ble Company Law Board.

I solemnly affirm further that this declaration is true, that it conceals nothing and no part of it is false.

(DEPONENT)

Solemnly affirmed before me at Ahmedabad this \_\_\_\_\_\_\_ day of

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MEMORANDUM OF APPEARANCE

To,
The Bench Officer,
Company Law Board,
Western Region Bench,
Mumbai

Sir,

Please take note that I, , , am duly authorized to enter appearance and do hereby enter appearance on behalf of the Petitioner in the above-mentioned Petition.

A copy of the resolution passed by the Board of Directors authorizing me to enter appearance and to act for every purpose with the proceedings for the said party is enclosed duly signed by me for identification.

Yours Sincerely,

Signature : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Name :

COP :

Address :

Tele : (O)
(M)

Dated \_\_\_\_day of \_\_\_\_,.

Encl: as aforesaid

CERTIFIED TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING OF THE BOARD OF DIRECTORS OF THE COMPANY HELD ON AT THE REGISTERED OFFICE OF THE COMPANY AT

AUTHORITY TO FILE PETITION:

“ RESOLVED THAT petition U/S 141 of the Companies Act, 1956 be filed with the Hon’ble Company Law Board, Western Region Bench, Mumbai for condonation of delay and seeking extension of time up to for creation of Charge filed with Ministry of Company Affairs on i.e. .”

“RESOLVED FURTHER THAT , Company Secretaries be and is hereby authorised to rectify, defects if any, inadvertently crept in the petition, to appear before the Hon’ble Company Law Board, Western Region Bench, Mumbai and to do all such acts, deeds and things in connection with the said petition”

“RESOLVED FURTHER THAT , Director of the Company be and is hereby authorised to sign, affirm and/ or present the petition, affidavit, authority and other statements affirming the petition on behalf of the Company to the Hon’ble Company Law Board, Western Region Bench, Mumbai as required by the Companies Act, 1956.”

Certified true copy
For

DIRECTOR

To,
The Office of the Registrar of Companies, Gujarat,

Sub: Petition u/s. 141 of the Companies Act, 1956 in the matter of M/s. Gujarat Electro Steel Private Limited

Re : Company No. :

Dear Sir,

We are enclosing petition u/s. 141 of the Companies Act, 1956 along with annexure thereto for seeking approval of the Hon’ble Bench, Mumbai for allowing the registration of Form 8 which was filed with the Registrar of Companies Gujarat on which was created on and delayed by and , therefore, extension of time up to and including under section 141 of the Companies Act, 1956.

I request your honour to arrange to send all the communication in above respect to my above address.

Kindly acknowledge the same and to the needful.

Thanking You,

Yours faithfully,
FOR,

D I R E C T O R