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भारत सरकार/Government of India

कारपोरेट कार्य मंत्रालय/MINISTRY OF CORPORATE AFFAIRS

कार्यालय प्रादेशिक निदेशक (पूर्वोत्तर क्षेत्र)/

Office of the Regional Director
(North Eastern Region)

मोरेलो भवन, भूमि तल/Morello Building Ground Floor

कचहरी रोड/Kachary Road

शिलाँग/Shillong-793 001

No: /RD(NER) /14/2014/ 446

दिनांक/Date: 9/11/2015

To,
Swagatam Trading & Services Ltd.,
Girish Chandra Bardalai Path, Bamunimaidan,
Guwahati - 781021, Assam

Sub: C.P. No.14/2014:
Petition Under Section 13(4) of the Companies Act, 2013

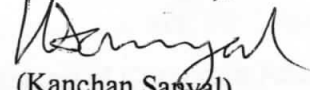
Sir(s),

With reference to the above subject, I am directed to forward herewith one copy of the Order dated 21.09.2015 (duly certified) of the Regional Director (NER), Guwahati, stationed at Shillong in the above case.

Please acknowledge receipt of the same

Encl: As stated

Yours faithfully,


(Kanchan Sanyal)
Assistant Director

**BEFORE THE REGIONAL DIRECTOR
MINISTRY OF CORPORATE AFFAIRS, SHILLONG**

Company Petition No.14/2014

PRESENT: SHRI NARENDER KUMAR BHOLA, REGIONAL DIRECTOR

In the matter of the Companies Act, 2013: Section 13(4);

- And -

In the matter of : The Companies (Incorporation) Rules, 2014.

- And -

In the matter of M/s Swagatam Trading and Services Ltd having its Registered Office situated Girish Chandra Bardalai Path, Bamuni maidan, Guwahati Assam 781021. Guwahati, Assam – 781001.

.....Applicant.

Parties present

For Applicant : Mr. Sanjay Kumar Baid, Company Secretary in whole time practice and Authorized Representative

ORDER

(Date of Hearing : 21st September, 2015)

An application under Section 13(4) of the Companies Act, 2013 (hereinafter referred to as "the Act") was filed on 15th January 2015 through e-Form No.INC-23 bearing SRN:C39954359 by M/s. Swagatam Trading & Services Ltd (hereinafter referred to as "the applicant company") for confirmation of the alteration of Clause – II of the Memorandum of Association of the applicant company for shifting of its registered office from the State of Assam to the State of Delhi as approved by members by Special Resolution passed in accordance with Section 114 of the Companies Act, 2013 at its Share Holders in Annual General Meeting through Postal Ballot on 17th September, 2014.

2. As per sub-sections (4) and (5) of Section 13 of the Companies Act, 2013 read with the Notification No.GSR 250(E) dated 31st March, 2014 of Ministry of Corporate Affairs, the Companies are required to file application under the provision of section 13(4) of the Act before the Regional Director for shifting of its registered office from one State to another. In pursuance of this, the above case has been filed and placed before the Regional Director, North Eastern Region, Shillong for disposal.

3. It is observed that the applicant company has filed affidavits in compliance of Rule 30 of Companies (Incorporation) Rules, 2014 (hereinafter referred to as "the Rules") namely,

affidavit verifying application, affidavit in terms of the Rules, affidavit regarding employees, affidavit verifying list of Creditors and affidavit proving service of notice together with newspaper publications. Further, the applicant company has served a copy of the application upon concerned State Government & Registrar of Companies (ROC) on 30.12.2014 & 30.12.2014 respectively and also provided a Certificate/Declaration from a Chartered Accountant for the Confirmation of list of Creditors as stated in the application. It is further observed that the applicant company has duly complied with the Rules and declared in Form No.INC-23 that no inquiry, inspection or investigation has been initiated against the Company. The final notices of hearing were also issued by the office of the Regional Director, Shillong on 14th September, 2015 to the State Government. However, neither any one appeared at the time of hearing nor any objection has so far been filed by them.

4. Considering the above facts and also the oral submissions made by the authorized representative appeared on behalf of the applicant company at the time of hearing and the ROC, North Eastern Region, Shillong vide his report dated 18th September 2015 has confirmed that the above resolution has been taken on record and no prosecution has been launched against the company and its officers. The ROC, Shillong also submitted that petition may be decided on its merits, the Regional Director is satisfied that having regard to the rights and interests of the members of the applicant company (and of every class of them) as well as the rights and interests of the creditors of the applicant company (and of every class of them), it is just and proper that the application should be allowed subject to condition that the interest of none of the employees at the registered office of the applicant company shall be prejudiced by retrenchment or otherwise.

5. Therefore, in exercise of the powers vested with the under signed vide Notification No.S.O.1352(E) dated 21st May, 2014 (published on 22nd May 2014) issued by the Ministry of Corporate Affairs, Government of India, I hereby confirm the application for confirming alteration in the situation clause in Memorandum of Association as to change of place of the registered office of the applicant company from the State of Assam to the State of Delhi.

(Signature)
(NARENDER KUMAR BHOLA)
REGIONAL DIRECTOR

Dated, Shillong the 21st day of September, 2015.

Certified as True copy

(Signature)
AD
O/o. the RD (NER)
Shillong

alteration in the Memorandum of Association as to change of place of the registered office of the applicant company from the State of Assam to the State of Delhi.