IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

CP No. 1604 of 2018

Under section 252(1) of Companies Act, 2013

In the matter of
AL MAFKO FROZEN FOODS PVT. LTD.
Represented by its Member
Mr. Khalil Ahmed Qureshi
7-4-27 Juna Gunj Nanded TQ, District Nanded, Nanded- 43160, Maharashtra

... Petitioner

V/s.

Registrar of Companies, Mumbai
100, Everest Building, Marine Drive, Mumbai- 400 020.

... Respondent

Order pronounced and delivered on: 11.09.2018

Coram:
Hon'ble Shri B.S.V. Prakash Kumar, Member (Judicial)
Hon'ble Shri RavikumarDuraisamy, Member (Technical)

For the Petitioner: Mr. Abu Sufyan Ansari, PCS
For the Respondent: None present.

Per Ravikumar Duraisamy, Member

ORDER

1. This company petition is filed by the Petitioner under section 252(1) of the Companies Act, 2013 on 1st May, 2018, seeking relief against the Respondent, *inter-alia* among other things, to restore the name of the company in the Register of companies maintained by the Registrar of Companies, Mumbai.

2. The grievance of the Petitioner is that the company was struck off under section 248(2) of the Companies Act, 2013 wherein the Respondent filed a detailed report dated 06.06.2018, explaining the reasons for striking off of the company under section 248 of the Companies Act, 2013.

3. The Petitioner submits that the company was incorporated on 12th May, 2012 and that the Company has been active since Incorporation. The company has failed to file financial statements and Annual Return from incorporation.

4. The Petitioner has enclosed the Income Tax Return Acknowledgement stating that company has filed Income-tax Return for the Assessment Years 2015-2016, 2016-2017, 2017-2018, copies of Audited Annual Accounts of the Company for the years 2014-2015, 2015-2016, 2016-2017 and copies of Bank Statement of Central Bank of India, Nanded Branch for the period from April 2015 till March, 2018 to show that the company is actively engaged in the business and operation.

5. On hearing the submissions of the Professional appearing on behalf of Petitioner, perusal of the Report of Registrar of Companies, Mumbai and the documents submitted, the Company is in operation and unless otherwise the relief sought is granted to the company, hardship and irreparable loss shall be caused to the said company, Members, Employees and its creditors.

6. Accordingly, the Respondent is hereby directed to restore the name of the Petitioner company forthwith in the Register of Companies, subject to payment of a sum of ₹2,00,000/- (Rupees Two Lakhs only) as cost payable to NCLT, Mumbai within 10 days, and the company shall file all the pending financial statements and annual returns with the Respondent and pay applicable fees and additional fees if any, within a period of 30 days from the date of receipt of copy of this order, failing which, this order will stand vacated automatically.

7. The Petition is disposed of in the above terms.

SD/-

RAVIKUMAR DURAISAMY
MEMBER (TECHNICAL)

SD/-

B.S.V. PRAKASH KUMAR
MEMBER (JUDICIAL)