

**IN THE NATIONAL COMPANY LAW TRIBUNAL,  
MUMBAI BENCH, MUMBAI**

**CP No.984/252(1)/MB/2018**

U/s 252 of Companies Act, 2013

**In the matter of**

Blueforest Agro Estate Pvt. Ltd,  
Through its Director & Shareholder  
Mr.Ravi Iangar,  
401, Pawan Chhaya, Rajbhav  
Desai Marg, New Prabhadevi  
Road, Prabhadevi,  
Mumbai 400 025

... Petitioner/Appellant

V/s

Registrar of Companies, Mumbai  
Everest, 100, Marine Drive,  
Mumbai 400 002

... Respondent

Order dated : 31.07.2018

**Coram:**

Hon'ble Shri B.S.V. Prakash Kumar, Member (Judicial)  
Hon'ble Shri Ravikumar Duraisamy, Member (Technical)

For the Petitioner: Mr. Dinesh Joshi, PCS  
For the Respondent: None.

*Per: Ravikumar Duraisamy, Member*

**ORDER**

1. This company petition is filed by the Petitioner/Appellant 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 Petitioner submits that the company was incorporated on 26.03.2009 under the Companies Act, 1956 and was struck off by the

Registrar of Companies, Mumbai vide Public Notice issued u/s 248(5) of the Companies Act, 2013. The Petitioner further submits that the Company did not receive STK-1 Notice and therefore did not get an opportunity to represent. They further states that being their status on MCA website appearing as 'Struck off', they were unable to file statutory returns. They submit that being the action of striking off of ROC being arbitrary and unjust one, may be set aside and consequent relief granted to them.

3. The Respondent side filed a detailed report on 02.04.2018, submitting that the Petitioner has admitted the fact of non-filing of statutory returns in the petition itself. ROC has submitted that they have followed the procedure for striking off of the Company viz. issuance of STK-1 Notice, conveying the intention to strike off the company, placing of STK-5 Notice dt.28.04.2017 on the website of MCA, publication of Company name in Official gazette in leading newspapers viz. Times of India, English newspaper and Maharashtra Times, vernacular language newspaper on 03.05.2017, in absence of any representation thereto, the Company's name struck off on 16.06.2017 and dissolution order published on MCA website vide STK-7 dt.10.07.2017. The respondent prayed that in the facts and circumstances of the case, the prayer of the petitioner may not be allowed and the reliefs sought may not be granted and further prayed for imposition of penalty and maximum cost for violation of various sections, if the Hon'ble Tribunal grants relief to the Petitioners.

4. On hearing the submissions of the Professional appearing on behalf of Petitioner/Appellant, perusal of the Report of Registrar of Companies, Mumbai and on perusing the documents submitted, it is clear that the Company is in operation, and unless the relief sought is granted to the company, the company will be put to great hardship.

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

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

SD/-

**RAVIKUMAR DURAISAMY**  
**MEMBER (TECHNICAL)**

SD/-

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