

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

**CP No.1901/252/MB/2018**

U/S 252 of Companies Act, 2013

**In the matter of**

Colva Hideaway Lodge Pvt Ltd  
H.No.35/D, Near Mabai Ground  
Per Seraulim, Colva P. O.  
Salcete, Goa  
South Goa, Goa - 403707

... Petitioner

V/s

The Registrar of Companies, Goa, Daman  
& Diu  
Plot No.21, E.D.C. Complex  
Patto, Panjim  
Goa - 403001.

... Respondent

Order delivered on: 11.09.2018

**Coram:**

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

For the Petitioner: Mr. Jigarkumar Gandhi.  
For the Respondent: None present

*Per Ravikumar Duraisamy, Member*

**ORDER**

1. This Company Petition is filed by Colva Hideaway Lodge Private Limited, seeking restoration of the name of the Company from the Register of Companies maintained by ROC.
2. The Company was incorporated on 28.09.2004.

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3. The grievance of the Petitioner is that due to defaults in making statutory compliances viz. filing of Financial Statements and Annual Returns for the period 2014-15 and 2015-16, the Registrar of Companies initiated proceedings under Section 248 of the Companies Act, 2013. The Petitioner states that the present petition is filed u/s 252(1) of the Companies Act, 2013 seeking restoration of name of the Company.

4. The Petitioner states that the company has been active since incorporation and has also been maintaining all the requisite documentation, as per the provisions of the Companies Act, 2013 and other applicable laws in India.

5. On hearing the submissions of the Petitioner and upon perusal the documents filed, it is clear that the Company is not carrying on any business or operation as defined u/s 248 (1)(c) of the Companies Act 2013.

6. Upon perusal of the documents, affidavits submitted by the applicant company, it is noted that company had not filed statutory returns with ROC. It is also noted that the revenue from operations are **Nil**, Fixed assets are **Nil**, other income **Nil**, employee benefits expenses are **Nil**, expenses towards cost of materials **Nil** for the financial years as at 31st March, 2015 and 2016 as per the documents submitted by the petitioner company.

7. All the above **Nil** figures and factual details substantiate the criteria that the company is not carrying on any business or operation as defined under section 248 of the Companies Act 2013. Therefore, the action taken by ROC in striking off the name of the company is justified and the Bench did not find any ground to interfere with action of striking off by ROC. The Bench is also of the considered view that these type of companies only put burden on the system,

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Government/ROC by way of record keeping, ensuring compliance by these companies and at times these companies may be used for various purposes other than the purpose/object for which the company was originally incorporated. It also puts burden on the company to comply with various regulatory/statutory compliances.

8. Considering the above facts and circumstances, practical aspects, the Bench has not found any justifiable/ reasonable grounds to interfere with the action taken by the Government of India/ROC in striking off Lakhs of companies names including the petitioner company.

9. Therefore, the petition is dismissed.

SD/-

**RAVIKUMAR DURAISAMY  
MEMBER (TECHNICAL)**

SD/-

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