

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH, BENGALURU**

C.P No. 340/BB/2018

U/s 252 of the Companies Act, 2013

R/w Rule 87A of NCLT (Amendment) Rules, 2016

In the matter of

Grindwell Norton Managers Housing Private Limited,
417, B Wing, 4th Floor, Mittal Tower,
No.6, M.G Road,
Bengaluru-560001.

Petitioner

Versus

The Registrar of Companies,
Karnataka
2nd Floor, E-Wing, Kendriya Sadan,
Koramangla,
Bengaluru-560034.

Respondent

Coram:

1. Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)
2. Hon'ble Shri Ashok Kumar Mishra, Member (Technical)

Date of Order: 17th September, 2018

Parties / Counsels Present:

For the Petitioner: Shri D.Venkateshwarlu, PCS *(Absent)*

ORDER

Per: **Hon'ble Shri Ashok Kumar Mishra, Member (Technical)**

- 1) C.P No. 340/BB/2018 is filed by Mr. Santosh Kumar Singh, Member/Director of **Grindwell Norton Managers Housing Private Limited**/Petitioner Company U/s 252(3) of the Companies Act, 2013, by inter-alia seeking to direct the Respondent, to restore the name of Company in the Register of Companies maintained by the Registrar of Companies, Karnataka, as if its name had not been struck off from the rolls of the Register etc.,
- 2) Brief facts of the case, which are relevant to the issue in question, are as follows:



- a) M/s Grindwell Norton Managers Housing Private Limited, was incorporated on 14th June 1988 under the jurisdiction of Registrar of Companies, Bengaluru in the State of Karnataka. The Company has not filed the annual return and audited financial statements with ROC for the financial years 2012-13, 2013-14, 2014-15 and 2015-16.
- b) As per the provisions of Section 92 of the Companies Act, 2013, the Company is required to file with the Registrar a copy of annual return within sixty days of annual general meeting along with such fees as may be prescribed from time to time. However, the company has defaulted in filing for Four (04) financial years i.e.2012-13, 2013-14, 2014-15 and 2015-16.
- c) As per the provisions of Section 134 of the Companies Act, 2013, the Company is required to file with the Registrar a copy of audited financial statements within thirty days of the annual general meeting along with such fees as may be prescribed from time to time. However, the company has defaulted in filing for Four (04) financial years 2012-13, 2013-14, 2014-15 and 2015-16.
- d) As per the provisions of Section 248(1)(c) of the Companies Act, 2013 if the Registrar has a reasonable cause to believe that the Company is not carrying on any business or operations for a period of two immediately preceding financial years and has not made any application within such period for obtaining the status of a dormant company under Section 455 is eligible for striking off its name from the register of companies by giving a notice to the company and directors to reply with the relevant documents within a period of 30 days from the date of notice.
- e) The Registrar of Companies, Karnataka, Bengaluru has published a notice on MCA Portal in Form STK-5 vide public notice-1 dated 28th day of April 2017 under sub section (1) and sub section (4) of Section 248 of the Companies Act, 2013 and rule 7 of the Companies (Removal of Names of Companies from the Register of Companies) Rules, 2016. The Company has not replied to the said Notice within prescribed time limit of thirty (30) days. Hence, the Registrar of Companies has struck-off the name of the Company from the register of companies.



- f) The Audited financial statements for the FY's 2012-13, 2013-14, 2014-15, 2015-16 and 2016-17 are available and are furnished in Annexure VI. The audited financial statement can be filed with the MCA immediately after the status of the Company is changed from "Struck off" to "active". Hence, the present petition.
- 3) Shri D.Venkateshwarlu, learned PCS for Petitioner Company, has filed Memo dated 14th September 2018, which is taken on record, by inter-alia seeking permission of the Tribunal to withdraw the present Company Petition, as the Applicant wanted to withdraw it.
- 4) In view of the above facts and circumstances, the Company Petition bearing C.P (IB) 340/BB/2018 filed by the **Grindwell Norton Managers Housing Private Limited** is dismissed as withdrawn. No order as to costs.


(ASHOK KUMAR MISHRA)
MEMBER, TECHNICAL


(RAJESWARA RAO VITTANALA)
MEMBER, JUDICIAL

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