

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

CP No.954/(MB)2018

Under section 252(1) of Companies
Act, 2013

In the matter of

Mr. Namit Soni and
Mr. Ujwal Soni
Directors of
DARSHAN MERCANTILE PRIVATE LIMITED
Nav Vyapar Bhavan, 49,
P.D. Mello Road, Carnac Bunder, 5th floor
Office No.525, 526, 527,
Mumbai - 400009.

... Petitioners

v/s.

The Registrar of Companies, Mumbai
"Everest" 100, Marine Drive,
Mumbai - 400002

... Respondent

Order delivered on 06.08.2018

Coram:

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

Hon'ble Shri Ravikumar Duraisamy, Member (Technical)

For the Petitioner: Mr. Rohan Kelkar, Adv.

Ms. Shruti Katakey, Adv.

i/b Crawford Bayley & Co.

For the Respondent: None present.

Per B.S.V. PRAKASH KUMAR, Member (Judicial)

ORDER

1. This Company Petition is filed by the Directors of Petitioner Company namely Darshan Mercantile Private Limited, under Section 252(1) of the Companies Act, 2013 on 28.3.2018 seeking relief against the respondent, inter alia among other things, to restore the name of

THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH, MUMBAI

CP No. 954/252(1)/(MB)/2018

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 of the Companies Act, 2013 wherein the Respondent side filed a detailed report on 26.4.2018 explaining the reasons for striking off of the name of the company under section 248 of the Companies Act, 2013.

3. The Petitioner says that the company was incorporated on 18.07.2007 and ever since Company has been functioning, company never became defunct and there were no circumstances for the company to wind-up its business. Due to lack of Professional support, company could not comply with the statutory compliances. The company has failed to file its statutory returns and financials for the financial years 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16 and 2016-17.

4. The Petitioner has enclosed the Audited accounts for the financial years 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16 and 2016-17. The Petitioner has filed copies of ITR Acknowledgement stating that company has filed Income-tax Return for the Assessment Years 2011-12 to 2016-17, copies of Bank Statement of Indian Bank, Indore Branch, for the period 1.4.2016 to 19.1.2018 to show that the company is actively engaged in the business and operation.

5. On hearing the submissions of the Counsel appearing on behalf of Petitioners, perusal of the Report of Registrar of Companies, Mumbai

THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH, MUMBAI

CP No. 954/252(1)/(MB)/2018

and the documents submitted, it is clear that the Company is in operation and unless otherwise the relief sought is granted to the company, grave hardship and irreparable loss shall be caused to the said company and its various creditors.

6. 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 Rs.5,00,000 (Rupees Five Lakh only) as cost payable within 10 days to NCLT, Mumbai 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)