

**IN THE NATIONAL COMPANY LAW TRIBUNAL
SPECIAL BENCH, CHENNAI**

CA/1065/(252)/2018

In the matter of Section 252(3) of the Companies Act, 2013

AND

In the matter of

**M/s. Maxx Power Solutions India Private Limited
(CIN: U31200TZ2010PTC016070)**

Vs.

Registrar of Companies, Coimbatore

Order delivered on: 18.09.2018

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K. ANANTHA PADMANABHA SWAMY, MEMBER (J)

For the Petitioner: *Mr.P.James Victor Rajkumar, Advocate*

For the Respondent: *Representative of RoC, Coimbatore*

ORDER

Per: K. ANANTHA PADMANABHA SWAMY, MEMBER (J)

1. This is a Company Application No. 1065 (252)/2018 filed under Section 252(3) of the Companies Act, 2013 (hereinafter called as 'the Act') filed by **M/s. Maxx Power Solutions India Private Limited** (hereinafter called as '**the Company**') seeking a direction to the Registrar of Companies, Coimbatore (hereinafter called as '**the ROC**'), to restore the Company in the Register of Companies.

2. Brief averments of the Application are that the Company was incorporated on 24.05.2010, having its registered office at No.9A, Om Ganesh Nagar, Vadavalli, Coimbatore in the State of Tamil Nadu. The Authorised Share Capital of the Company is Rs.10,00,000/- (Rupees Ten Lakhs Only) divided into 10,000 number of Equity Shares of Rs.100/- (Rupees Hundred each) and the Issued, Subscribed and Paid up Capital of the Company is Rs.1,00,000/- (Rupees One Lakh Only) divided into 1,000 number of Equity Shares of Rs.100/- (Rupees Hundred each). The main objectives of the Company are given in the Memorandum of Association.
3. The Petitioner Company has failed to file its Annual Financial Statement and Annual Report since its incorporation. The Respondent has, therefore, initiated action under Section 248 of the Act for striking off the name of the Company from the Register of Companies and consequently the name of the Petitioner Company was struck off from the Register of Companies the same was published of STK-5 in the **Official Gazette on 27.05.2017.**
4. The reason given by the Company for non-filing of Returns is due to lack of Professional guidance. The Company is still carrying on its business and its activities and therefore the present Application is filed for restoration of the name of the Company in the Register of Companies.

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5. The ROC, Coimbatore, who is the Respondent herein, has filed Counter Affidavit wherein the details of the Company such as date of incorporation, address of the registered office and its main objects as per the Memorandum of Association are mentioned. While submitting the above facts the ROC has stated that the Applicant Company may be directed to prove that it was carrying on business or was in operation and also be directed to file all pending Financial Statements and Annual Returns in case restoration is granted. The ROC also submitted that the Shareholders of the Company may be directed to give an undertaking stating that the Company was neither involved in money laundering activities during the demonetization period nor any unlawful activities during the relevant period.
6. Heard. Perused pleadings and documents filed in support of the contentions of both parties.


ORDER

1. Having satisfied with the reasons mentioned above, this Tribunal is of the opinion that it would be just and proper to order **restoration of the name of the Company in the Register of Companies.**
2. The Company shall file all the pending Financial Statements and Annual Returns with ROC as per the Act and Rules made thereunder besides filing an Affidavit stating that the Company was neither

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involved in money laundering activities during the demonetization period nor any unlawful activities during the relevant period.

3. Further, the Applicant Company is directed to pay **the cost of Rs.20,000/- (Rupees Twenty Thousand Only)** to the ROC while submitting the documents. This is for the expenses to be incurred by ROC for publication in the Official Gazette and for other related expenses. Accordingly, the **Application is allowed.**
4. The ROC is directed to restore the Company in the Register of Companies. The Applicant is directed to **place this Order with ROC within 30 days** from the date of receipt of this Order.
5. Accordingly the Company Petition No. **CA/1065/(252)/2018** is hereby **disposed of.**



(K. Anantha Padmanabha Swamy)
Member (Judicial)

/sr/tjs