

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

CP No.419/2017

Under section 252(3) of CA 2013

In the matter of

Mukesh Shah
Shareholder of
Kaynet Financial Services Pvt. Ltd.
8, Brindavan Apartment
163/165 Mukund Nagar
Pune – 411 037.

...Petitioner

The Registrar of Companies,
PMT building, 3rd Floor,
Deccan Gymkhana , Pune – 411004
....Respondent.

Order delivered on 13.10.2017

Coram:

Hon'ble Mr. M. K. Shrawat, Member (Judicial)
Hon'ble Mr. V. Nallasenapathy, Member (Technical)

For the Petitioner: Prachi Wazalwar, Advocate for Petitioner
a/w Abhay Wadhwa

For the Respondent: Mr. S. P. Kumar,
Registrar of Companies, Mumbai
On behalf of ROC, Pune.

Per: M. K. Shrawat, Member (Judicial)

ORDER

1. This company petition is filed by the Shareholder of M/s. Kaynet Financial Services Private Limited, seeking relief against the respondent to restore the name of the company in the Register of Companies from the date of strike off of

the company by the Registrar of Companies, Pune and treat the company as if it had never been struck off, to safeguard the interest of all creditors and shareholders of the company and for a direction to HDFC Bank to reactivate the account No.00070340001370 of the Petitioner Company.

2. The Respondent issued a Notice to the Petitioner on 11.3.2017 u/s.248(1) of the Companies Act, 2013 and Rule 3 of the Companies (Removal of names of Companies from the Register of Companies) Rules, 2016 stating that the company is not carrying on business or operation for a period of two immediately preceding financial years and also not made any application within such period for obtaining the status of a dormant company u/s.455 of the Companies Act, 2013, for which the company replied on 4.5.2017 that the company is carrying on business and is in operation and hence not applied for obtaining status of dormant company u/s.455 of the Companies Act, 2013. Petitioner submits that the Company has held its Annual General Meetings in respect of the Financial Years ending 31.3.2015 and 31.3.2016 as required under section 96 of the Companies Act, 2013. Company filed MGT-7 for Annual Returns for the Financial years ending 31.3.2015 & 31.3.2016 and Form AOC-4 for Financial Statements for years ending 31.3.2015 & 31.3.2016 on 30.6.2017. The Petitioner submits that the Respondent struck off the company from its record on 11.7.2017 under section 248(5) of the Companies Act, 2013.

3. The Petitioner Company has filed the following documents showing that the Company is in operation during the relevant period of time. The Company filed the following documents:

- a) Challans for submission of E-forms AOC-4 and MGT 7 for F.Y. 2014-15 and 2015-16.
- b) Acknowledged Income Tax Return for F.Y. 2014-15 and 2015-16.
- c) NBFC Registration Certificate.

4. On hearing the submissions of the Petitioner, the Registrar of Companies, Mumbai who represents the Registrar of Companies, Pune and on perusing the documents filed, it is clear that the Company is in operation, filed the Annual Returns and Financial Statement for the year ended 31.3.2015 & 31.3.2016, however, the name was struck off from the Register of companies, this Bench is of the view that the name of the company is to be restored to the Register of Companies.
5. Accordingly, the Respondent is directed to restore the name of the company forthwith in the Register of Companies maintained by him.
6. The Petition is disposed of in the above terms.

Sd/-

V. NALLASENAPATHY
Member (Technical)

Sd/-

M. K. SHRAWAT
Member (Judicial)