

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL  
MUMBAI BENCH

CP No.513/2017

Under section 252(3) of CA 2013

In the matter of

JE.C-Tech India Pvt. Ltd.  
Level 9, Tower 2, World Trade Centre  
Opp. Eon Free Zone  
Kharadi  
Pune – 411 014 ... Petitioner

The Registrar of Companies,  
PMT Building, 3<sup>rd</sup> Floor  
Deccan Gymkhana  
Pune – 411 004. ... 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: Mr. Kshitij J. Lunkad, Practicing Company Secretary

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

*Per: V. Nallasenapathy, Member (Technical)*

**ORDER**

1. This company petition is filed by JE.C-Tech India Pvt. Ltd., seeking relief against the respondent to restore the name of the company in the register of companies maintained by the Registrar of Companies, Pune and also for a direction to HDFC Bank to reactivate the account No.50200004955769 of the Petitioner Company.

2. The Petition reveals that the Respondent after giving due notice to the Petitioner on 24.2.2017 u/s.193/92/96 of the Companies Act, 2013 for non-filing of its Annual Return upto the Financial year ending 31.3.2015, for which the Company replied on 15.3.2017 stating that the audited Financial Statement for the said period is ready and due to certain technical issues it could not be filed on the MCA portal. Subsequently the Petitioner filed MGT-7 (2015) on 27.3.2017 and Form AOC-4 (2015) on 21.3.2017. Further, the Petitioner adds that the Company is in the process of filing statutory compliances for 31.3.2016 and 31.3.2017 but was struck off by the Registrar of Companies, Pune, suo-moto u/s.248 of Companies Act, 2013. The Petitioner submits that on 7.4.2017 ROC, Pune issued Public Notice in Form STK-5 proposing to strike off the Company for not carrying on business for a period two immediately preceding the Financial years, the Petitioner on 30.6.2017 sent a request to change the status of the company from strike off to active. However, on 11.7.2017 ROC Pune issued a Public Notice in STK-7 saying that the Petitioner company has been struck off.

3. The Petitioner Company states that the non-filing of the financial statement for the years 2015-16 and 2016-17 is unintentional and it is an inadvertent mistake on their part, the company is carrying on business, it is active and its employees are working for the ongoing projects. The company has also enclosed the Bank statement for the period 1.10.2016 to 30.9.2017, enclosed copy of salary sheet for employees and copy of work contracts and some purchase bills to show that the company is active and is a going concern.

4. On hearing the submissions of the Professional appearing on behalf of 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 and unless otherwise the relief is given to the company, the employees and the customers of the company will be put to great hardship. Even though the company have filed the Application u/s.252(3) instead of filing the same under section 252(1) this Bench taking a broader view and considering

the urgency in the matter, taken up the matter for hearing without going into the legal niceties considered this Petition and heard the same. The Registrar of Companies, Pune also filed his Report saying that he has no objection, however, the Petitioner may be directed to file the pending financial statements and Annual Reports within 30 days, with cost.

5. Accordingly, the Respondent is directed to restore the name of the company forthwith in the Register of Companies maintained by him subject to the condition the Petitioner Company will deposit a sum of ₹5,000 as cost immediately and will file the pending financial statements and annual returns with the Respondent within a period of 45 days from the date of receipt of this order, failing which this order will stand withdrawn automatically.

6. The Petition is disposed of in the above terms.

SD/-

V. NALLASENAPATHY  
Member (Technical)

SD/-

M. K. SHRAWAT  
Member (Judicial)