

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL  
MUMBAI BENCH

CP No.447/2017

Under section 252(1) of CA 2013

In the matter of

Avis Projects and Infrastructure Pvt. Ltd.  
Alpine 15, Sr. No.59, Bloomfield  
Near Express Highway  
Ambegaon Bk  
Pune 411 046. ... 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: Ms. 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 Avis Projects and Infrastructure Pvt. Ltd, seeking relief against the respondent to restore the name of the company in

the register of companies and to grant time to file the pending forms and returns in compliance with the provisions of Companies Act, 1956 and 2013.

2. The Petitioner company states that it came to know through their Consultant a Public Notice vide STK-5 issued under section 248(1) of the Companies Act, 2013 for which the Company replied that the Company is active and is carrying its business operation efficiently by enclosing all relevant documents to the Respondent. However, the Respondent by notice in Form STK-7 dated 11.7.2017 struck off the company from the Register of Companies

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

1. Copies of Financial Statements ended on 31.3.2014, 31.3.2015 and 31.3.2016.
2. Acknowledgement of Income Tax Returns for FYs. 2013-14, 2014-15 & 2015-16
3. Documents evidencing sanction of Credit Facilities from Bank of Maharashtra, Pune and Sharad Bank, Pune.

4. The documents filed by the Petitioner reveals that the company failed to file Annual Return and Balance Sheet for the Financial Years 2013-14, 2014-15 and 2015-26

5. 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, however, due to non-filing of the financials and other documents 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.

6. 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 ₹10,000 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.

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

Sd/-

V. NALLASENAPATHY  
Member (Technical)

Sd/-

M. K. SHRAWAT  
Member (Judicial)