

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

CP No.387/2017

Under section 252(1) of CA 2013

In the matter of

Mr. Sudhir Kumar Sinha, Director
Docile Engineering Pvt Ltd.
Row House No.E2
Emerald Park
210(1) Park Street
Wakad, Pune – 411027.

...Petitioner

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

....Respondent.

Order delivered on 20.10.2017

Coram:

Hon'ble Mr. B.S.V. Prakash Kumar, Member (Judicial)
Hon'ble Mr. V. Nallasenapathy, Member (Technical)

For the Petitioner: Anagha Anasingaraju, Practising Company Secretary

For the Respondent: None Present

Per: V. Nallasenapathy, Member (Technical)

ORDER

1. This company petition is filed by Mr. Sudhir Kumar Sinha, Director of M/s. Docile Engineering Private Limited, seeking relief against the respondent, interalia among other things, 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, to grant two months' time to the Company to file the pending

forms and returns in compliance with the provisions of the Companies Act, 2013 and to direct the Registrar of Companies, Pune not to initiate any action against the directors of the company after the company has filed its returns for the year 2014-15 and 2015-16.

2. The Respondent issued a Notice of default to the Company on 22.2.2017 under Section 137/92/96 of the Companies Act, 2013 for default in filing Balance Sheet and/or Annual Returns, holding Annual General Meeting of the Company for the year 2014-15. The Company vide its reply dated 28.2.2017 to the Respondent stated that the non-filing was out of inadvertence and submitted that the required E-forms will be filed within 60 days' period. The Petitioner further submits that they did not receive any notice in STK-1 from the Respondent intimating their intention to remove the name of the Company from the Register of Companies although that is a mandatory requirement under Section 248. The Respondent vide Public Notice No.ROCP/STK-7/248(5)/2017/PUB/1, dated 11.7.2017 under Sub-section 5 of Section 248 of the Companies Act, 2013 struck off the name of the Petitioner Company from the Register of Companies. The Company thereafter sent a request letter to the Respondent for re-activating the Company's status in the website of MCA. However, the Company did not receive any response from the Respondent. The Petitioner submits that the Company has about 15 employees on its payroll and is carrying on the business.

3. The Petitioner 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) Copy of the Audited Financial Statement for the year 2015-16;
- b) Copy of the provisional financial statement for the year 2016-17;
- c) Acknowledged Income Tax Returns for A.Y. 2013-14, 2014-15 and 2015-16.

- d) Invoices raised by the suppliers and invoices raised on the customers;
- e) Electricity Bill and Telephone Bills for Jan- April, 2017 and July and Sept, 2017;
- f) Service Tax Returns for the quarter ended March 2017 and June 2017.

4. On hearing the submissions of the Petitioner and on perusing the documents filed, it is clear that the Company is in operation, 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 subject to the condition that the Petitioner will file the pending financial statements and annual returns, if any, with the Respondent within a period of 45 days from the date of receipt of this order, failing which this order will stand withdrawn.

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

Sd/-

V. NALLASENAPATHY
Member (Technical)

Sd/-

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