

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

CP No.399/2017

Under section 252(3) of CA 2013

In the matter of

N. Jaju Malpani Infra Pvt Ltd.
D ¼, BJP Market
Vardhaman Chowk
Ichalkaranji – 416115.

...Petitioner

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

....Respondent.

Order delivered on 18.10.2017

Coram:

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

For the Petitioner: Mr. Amrut Parakh, Company Secretary.

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

Per: V. Nallasenapathy, Member (Technical)

ORDER

1. This company petition is filed by M/s. N. Jaju Malpani Infra Pvt. Ltd. seeking relief against the respondent, interalia among other things, to restore the name of the company in the register of companies.
2. The Petitioner states that the Respondent struck off the name of the Company in the Register of Companies, maintained by it without giving any notice to the Company or to the Directors. However, the Registrar of

Companies, Pune in his report dated 5.10.2017 stated that the Company failed to file statutory returns for the year ended 31.3.2015 and 31.3.2016 and violated provisions of Section 92 and 137 of the Companies Act, 2013, notice in Form STK-1 dated 7.3.2017 and 11.3.2017 was given to the Company and its Directors as required under Section 248(1) of the Companies Act, 2013 read with Rule 3 of the Companies (Removal of name of companies from the Register of companies) Rules, 2016, on the ground that the Company is not carrying on any business or operation for a period of two immediately preceding financial years and has not made any application within such period for obtaining the status of a dormant company under Section 455 of the Companies Act, 2013 and the company failed to give any reply to the said notice.

3. The Petitioner Company states that the Company is in operation and filed the Income Tax acknowledgement for the A. Y. 2016-17 and 2017-18 and also the Financial statement for the year ended 31.3.2016.

4. The Petitioner submits that he will file the pending financial statements as required under the Companies Act, 2013.

5. On hearing the submissions of the Petitioner, the Registrar of Companies, Mumbai who represents the Registrar of Companies, Pune, the Report of the ROC, Pune and on perusing the documents filed, it is clear that the Company is in operation, however, due to non-filing of the financials 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 Rs.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)