

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

CP No.: 400/252(3)/NCLT/MB/MAH/2017

Under section 252(3) of the Companies Act, 2013

In the matter of

M/s. Hermes Sports-Tech Private Limited

v.

Registrar of Companies, Pune

..... Respondent

Heard on : 13.11.2017

Order delivered on: 17.11.2017

Coram :

Hon'ble M. K. Shrawat, Member (J)

Hon'ble Bhaskara Pantula Mohan, Member (J)

For the Petitioner :

1. Mr. Adwait Kulkarni, Practising Company Secretary.
2. Mr. Devendra Deshpande, Practising Company Secretary.

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

ORDER

1. This present petition has been filed under Section 252 of the Companies Act, 2013 (hereinafter as **Act**) by "Hermes Sports-Tech Private Limited" (hereinafter as **Petitioner Company**) praying for restoring its name in the Register maintained by the Registrar of Companies, Pune (hereinafter as **RoC**).
2. This petition is filed before NCLT, Mumbai Bench on 25th September, 2017 under provisions of S. 252 of the Act. And thereafter listed for hearing on 9th October, 2017 and then on 13th November, 2017.
3. The Petitioner Company was incorporated as Hermes Sports-Tech Private Limited with the RoC, Pune on 29th July, 2013 as a Private Company in the city of Pune, Maharashtra having having CIN : U74999PN2013PTC148289.
4. The Authorised Share Capital of the Petitioner Company is ₹ 1,00,000/- (Rupees One Lakh Only) and the paid-up capital of the Company is ₹ 1,00,000/- (Rupees One Lakh Only).
5. The Petitioner Company is involved in Business Services Activity such as to carry on the business of Training and coaching, consultancy and advisory in various sports such as cricket, badminton, table tennis, tennis, athletics and other sports and physical and mental endurance games and activities. And carry on

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technologies in sports, development of various techniques, pattern, courses, research and development of sports and related aspects, sports medicine such as sales, training and carry on products in sport, sport accessories and related sports equipment and to carry on research and development for sports related products, technology, carry on management of players such as providing sponsorships, arranging brand ambassadorship of companies/institutes etc. Training for coaches and related activity in India and abroad.

6. The name of the Petitioner Company was struck off from the Register on account of the reasons that, the Company had not filed Statutory Returns for the year ended 31st March, 2015 and 31st March, 2016, as noticed in the Notice from the RoC i.e. STK – 1 dated 3rd March, 2017, 7th March, 2017, 9th March, 2017 and 11th March, 2017 and notice in form STK 5 issued on 27th April, 2017.

Submissions from the Petitioners:

7. The Learned Advocate for the Petitioners submits that, the Company is running Company and has assets as well as corresponding liabilities including statutory dues. Further, the Company has not made any application for obtaining the status of Dormant Company under S. 455 of the Act. Further that, the Petitioner Company had never in the past, on its own, moved any application for Strike-off under S. 248 of the Companies Act, 2013.
8. The Petitioner Company has its Audited Balance Sheet as on 31st March, 2015 and on 31st March, 2016. As on such date, the Petitioner Company has Reserve and Surplus of ₹ 3,62,510.49/- and ₹3,18,850.11/- respectively.
9. The Company has also filed its Statutory returns in I.T. Department for the Financial Year 2014-15 and 2015-2016. Copy of acknowledgement has also been placed on record.

Submissions from the Respondent/RoC:

10. The RoC in its report submitted that, the RoC has issued the notice in Form STK – 1 to the Petitioner Company on the ground that the Company is not carrying on any business or operation for a period of two immediately preceding financial years (i.e. 2014-15 and 2015-2016).
11. Thus the RoC came to conclusion that, as the Petitioner Company has not filed its statutory returns for the financial years 2014-15 and 2015-2016, therefore contravened the provisions of S. 92 and S. 137 of the Act. Hence, the name was struck off from the Register.
12. The RoC has taken decision as prescribed under law to remove the name of the Petitioner Company from the Register of the RoC. It is the Petitioner Company remained in the default.
13. However, it is further submitted that, the RoC have no objection to restore the name of the Petitioner Company, as the Petitioner Company is willing to comply with the provisions of the Act, subject to imposition of Cost.

Findings

14. Hence, upon considering the facts and circumstances of this present petition, this Bench is of the view that, it would be just and proper to order restoration of the name of the Petitioner Company in the Register of Companies maintained by the RoC.
15. Accordingly, this Petition is allowed. The restoration of the Petitioner Company's name to the Register of Companies maintained by the RoC Pune, is hereby ordered, with a direction that the Petitioner Company shall comply with the Provisions of the Act. And further it will be subject to payment of costs of ₹ 5,000/- (Rupees Five Thousand Only), to be paid by way of Demand Draft in favour of "Pay and Accounts Officer, Ministry of Corporate Affairs, Mumbai", within 30 days from the receipt of the duly certified copy of this Order, to this office. Consequentially thereupon the Bank account/s if freezed shall get defreezed and to be operated by Petitioner Company.
16. This Petition bearing No. 400/252/NCLT/MB/2017 is, therefore, disposed of on the terms directed above. The Learned RoC shall give effect of this Order only after perusal of the Compliance report of cost imposed. After restoration of the Company, within 15 days the Company shall file all the required documents with the RoC.
17. Ordered accordingly.

Sd/-

**BHASKARA PANTULA MOHAN
MEMBER (JUDICIAL)**

Sd/-

**M. K. SHRAWAT
MEMBER (JUDICIAL)**

Dated : 17th November, 2017