

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

CP No.: 436/252(3)/NCLT/MB/MAH/2017

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

In the matter of

M/s. Sid-Maha Engineering Private Limited  
.... Petitioner

v.

Registrar of Companies, Pune  
..... Respondent

Heard on : 15.11.2017

Order delivered on: 16.11.2017

**Coram :**

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

Hon'ble Bhaskara Pantula Mohan, Member (J)

**For the Petitioner :**

1. Mr. Akshay Chandrakant Auti, Practising Company Secretary.

**Per:** Bhaskara Pantula Mohan, Member (J)

**ORDER**

1. This present petition has been filed under Section 252 of the Companies Act, 2013 (hereinafter as Act) by "Sid-Maha Engineering 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 21<sup>st</sup> September, 2017 under provisions of S. 252 of the Act. And thereafter listed for hearing on 5<sup>th</sup> October, 2017 and then on 15<sup>th</sup> November, 2017.
3. The Petitioner Company was incorporated as Sid-Maha Engineering Private Limited with the RoC, Pune on 2<sup>nd</sup> November, 2010 as a Private Company in the city of Pune, Maharashtra having having CIN : U29295PN2010PTC137679.
4. The Authorised Share Capital of the Petitioner Company is ₹ 1,00,000/- (Rupees One Lakh Only). The paid-up capital of the Company is ₹ 1,00,000/- (Rupees One Lakh Only).
5. The Petitioner Company is involved in Manufacturing - Machinery & Equipment's Activity such as to invent, develop, design, manufacture, fabricate, process, prepare, assemble, buy, sell, export, import, trade and deal in industrial



plant/projects, machineries, heavy structural steel fabrication, sheet metal press work, machining job, powder coating, chemicals and other raw materials, process equipment's, appliances, instruments, tools, spares and things required for the manufacture of dairy, plastic and plastic goods, synthetic textiles, paper and pulp, engineering products, etc.

6. The name of the Petitioner Company was struck off from the Register on account of the reasons that, the Company had failed to file Statutory returns (i.e. Annual return and Balance Sheet/Financial statement) for the year ended 31<sup>st</sup> March, 2015 and 31<sup>st</sup> March, 2016, as noticed in the Notice from the RoC i.e. STK – 1 dated 7<sup>th</sup> March, 2017.

**Submissions from the Petitioners:**

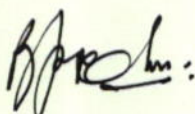
7. The Learned Advocate for the Petitioners submits that, the Company is running Company and has assets as well as corresponding liabilities including statutory dues. Further, the Company has not made any application for obtaining the status of Dormant Company under S. 455 of the Act. Further that, the 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 Bank Account statement as on 31<sup>st</sup> March, 2017, the Petitioner Company has cash balance of ₹6,045/-.
9. The Company is ready with all set of documents with respect to annual accounts and returns for the default period for filing with RoC, Pune and to make the default good.

**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 and has not made any application within such period for obtaining the status of a dormant company u/s 455 of the Act.
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 no malafide intention 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.
16. This Petition bearing No. 436/252/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 : 16.11.2017**