

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

CP No.625/2017

Under section 252 of CA 2013

In the matter of
Mrs. Nital J. Raval,
Flat No.B-901 Balmoral Estate,
Baner Road, Baner,
Pune – 411 045. ...Appellant

v/s.

The Registrar of Companies,
3rd Floor, PMT Bldg.,
Deccan Gymkhana,
Pune – 411004 ...Respondent

Order delivered on 11.12.2017

Coram:

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

For the Petitioner: Mr. Dinesh Joshi, Practising Company Secretary
For the Respondent: Mr. Neelambuj, CP - Registrar of Companies, Mumbai.

Per: V. Nallasenapathy, Member (Technical)

ORDER

1. This company petition is filed by Mrs. Nital J. Raval, Director of Unique Auto Sourcing Pvt. Ltd. seeking relief against the respondent to restore the name of the company in the register of companies maintained by the Respondent.
2. The Petitioner states that the Company has inadvertently failed to adopt the statutory requirement of filing financial statements and Annual returns of the company for the Financial years ended on 31.3.2014, 31.3.2015 and 31.3.2016 with the Registrar of Companies, and the same gave reasonable cause to the Respondent to believe that the Company was not carrying on any business or operations for a period of two years immediately preceding the financial years. The Respondent issued notice on 7.3.2017, under section 248(1) of the

Companies Act, 2013, expressing its intention to remove the name of the company from the Register of Members 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 the Dormant Company under section 455, for which the company replied on 11.3.2017, stating that the company has not earned any revenue from operations but the Directors are exploring various business prospects and the company will function as a going concern in near future, it duly conducted the Annual General Meeting and adopted the audited the Financial statements, though the filing of the same is pending with the Registrar of Companies, and requested not to initiate any process for removal of name of the company from the Register of Companies. However, on 22.7.2017 the name of the company was struck off from the Register of Companies by the Respondent.

3. The Petitioner has enclosed the Income-tax Return filed by the Company for the Assessment Years 2016-17 and 2017-18, Bank Statement for period from 9.3.2017 to 21.8.2017 showing some transactions.
4. On hearing the submissions of the Professional appearing on behalf of the Petitioner, the Report of Registrar of Companies, Pune and the documents placed, 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 the Petitioner Company will deposit a sum of ₹50,000 as cost immediately and will file the pending financial statements and annual returns with the Respondent within a period of 30 days from the date of receipt of this order, failing which this order will stand vacated.
6. The Petition is disposed of in the above terms.

Sd/-

V. NALLASENAPATHY
Member (Technical)

Sd/-

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