

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

CP No.: 626/252/NCLT/MB/MAH/2017

Under section 252 of the Companies Act, 2013

In the matter of

M/s. Northwest Constructions Pvt. Ltd.

v.

Registrar of Companies, Pune

..... Respondent

Heard on : 07.12.2017

Order delivered on: 11.12.2017

Coram :

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

Hon'ble Bhaskara Pantula Mohan, Member (J)

For the Petitioner :

Mr. Dinesh Joshi, Practising Company Secreatry.

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 "M/s Northwest Constructions Pvt. Ltd." (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 2nd November, 2017 under provisions of S. 252 of the Act. And thereafter listed for hearing on 7th December, 2017.
3. The Petitioner Company was incorporated as Northwest Constructions Pvt. Ltd. with the RoC, Pune on 13th January, 2006 as a Private Company in the city Pune, Maharashtra having CIN: U45209PN2006PTC021838.
4. The Petitioner Company is involved in Business Activity such as to construct, build, alter, acquire, convert, improve, design, erect, establish, equip, develop, dismantle, demolish, pull down, turn to account, furnish, level, decorate, fabricate, install, finish, repair, improve, maintain, search, survey, examine, taste, inspect, locate, modify, own, protect, promote, provide, participate, reconstruct, dig, curve, excavate, pour, renovate, remodel, rebuild, undertake, assist, and to act as civil engineer, architectural engineer, interior decorator, agent, broker, supervisor, administrator, contractor and manager of constructions and developmental work in residential or commercial buildings, apartments, townships, markets, courts, alleys, pavements, roads, paths, parks, culverts, dams, bridges, railways, tramways, water tanks, reservoirs, canals,

[Signature]

warehouses, factories, structures, drainage and sewage works, water distribution and filtration works, docks, harbours, irrigation works, stadiums, hydraulic units, sanitary work, power supply works, flyovers, airports, runways, power stations, hotels, hospitals, dharmashalas, multi-storeys, colonies, complexes & housing projects:

5. The name of the Petitioner Company was struck off from the Register on account of the reasons that, the Company had not filed its Annual returns and Balance Sheets for the year ended 31st March, 2015 and 31st March, 2016, as noticed in the Notice from the RoC i.e. STK – 1 dated 11th March, 2017.

Submissions from the Petitioners:

6. The representative of the Petitioner Company 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.
7. The Company has filed its Statutory returns in I.T. Department for the Financial Year 2014-15, 2015-16 and 2016-17. Copy of acknowledgement has also been placed on record.

Submissions from the Respondent/RoC:

8. 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).
9. Thus the RoC came to conclusion that, as the Petitioner Company has not filed its annual returns and balance sheet 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.
10. 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.
11. 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

12. 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.
13. 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 Rs. 15,000/- (Rupees Fifteen 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.

14. This Petition bearing No. 626/252/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.

15. Ordered accordingly.

Sd/-

Bhaskara Pantula Mohan
Member (J)

Sd/-

M. K. Shrawat
Member (J)

Dated : 11th December, 2017

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