

IN THE NATIONAL COMPANY LAW TRIBUNAL  
MUMBAI BENCH

CP No. 395/2017

Under section 252(1) of CA 2013

In the matter of

Bruce Deryk MacFarland,  
Director of  
Event Poona Advertising Pvt. Ltd.  
0-4 Sacred Heart Town, Wanowrie,  
Pune – 411 048, MAH ...  
Appellant .

The Registrar of Companies,  
PMT Building, 3<sup>rd</sup> Floor  
Deccan Gymkhana  
Pune – 411 004. ... Respondent.

Order delivered on 19.12.2017

Coram:

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

Hon'ble Mr. V. Nallasenapathy, Member (Technical)

For the Petitioner: Mr. V. S. Khanvalkar, Practicing Company Secretary.

For the Respondent: Mr. Neelambuj, CP- Registrar of Companies, Mumbai,  
on behalf of ROC, Pune.

*Per: V. Nallasenapathy, Member (Technical)*

**ORDER**

1. This company petition is filed by Mr. Bruce Deryk MacFarland, a Promoter, shareholder and Director of M/s. Event Poona Advertising Pvt. Ltd., seeking relief against the respondent to restore the name of the company in the register of companies maintained by the Registrar of Companies, Pune to enable the Company to complete the pending filing as

required under the provisions of Companies Act, 2013, and to grant time period of two months to file the financial statements and annual returns.

2. The Applicant states that the Respondent issued a notice pursuant to Section 248 (1) and (2) of the Companies Act, 2013, to the company in form STK-1 having reference No. ROCP/STK-1/2017/25165 dated 09.03.2017 wherein it was stated 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 company as Dormant under Section 455, therefore, the respondent intended to remove the name of the company from the register of Companies and requested the company to send representation along with copies of relevant documents within 30 days from the receipt of the notice. The notice further provided that unless a cause contrary is shown within the stipulated time, the name of the Company shall be removed from the Register of Companies and the directors of the company shall be liable for appropriate action under the Companies Act, 2013. The Company has given a reply to the notice on 17.4.2017 stating that the company has held its Annual General Meeting for the Financial year 2014-15, on 30<sup>th</sup> September, 2015 and for Financial Year 2015-2016 on 30<sup>th</sup> September, 2016. However, there was an unintentional and inadvertent delay in filing the Balance Sheet and Annual Returns for the above mentioned Financial Years. The Company assured that the filing of the same would be completed within 15 days. Despite the reply, the Respondent issued public Notice in Form No. STK-5 on 07.04.2017 reiterating the same points as disclosed in the notice dated 09.03.2017 referred supra. Further, the respondent issued public notice in Form No. STK-5A on 27.04.2017 containing the same particulars disclosed in the notice dated 09.03.2017 supra.

3. In the meantime, the company has filed only the Annual Returns for the financial years ended 31.3.2012, 31.3.2013, 31.3.2014, 31.3.2015 and 31.3.2016. Company further states that the financial statements for the years

ended 31.3.2012, 31.3.2013, 31.3.2014, 31.3.2015 and 31.3.2016 were ready but due to sheer inadvertence, the same could not be filed with the office of the Respondent. The above facts were informed by the company to the respondent vide letter dated 10.07.2017 with a request that no further action may be taken in this regard.

4. The Respondent vide public notice No. ROCP/STK-7/248(5)/2017/PUB/1/dated 11.07.2017 issued under Sub-section (5) of the Section 248 of the Companies Act, 2013 has struck off the name of the said Company and the same was published in the Gazette of India on 11.07.2017.

5. On hearing the submissions of the Professional appearing on behalf of Petitioner, the Registrar of Companies, Mumbai who represents the Registrar of Companies, Pune and on perusing the documents filed, it is clear that the Company is in operation and unless otherwise the relief is given to the company, the employees and the customers of the company will be put to great hardship. The Registrar of Companies, Pune also filed his Report saying that he has no objection, provided the company shall file all the pending Annual Returns and Balance Sheets as per the provisions of the Companies Act, 2013 and Rules made thereunder.

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 ₹1,00,000/- as cost immediately to Registrar of Companies, Pune, and shall file the pending financial statements and the Annual Returns with the office of the Respondent within a period of 30 days from the date of receipt of this order, failing which this order will stand vacated automatically.

7. The Petition is disposed of in the above terms.

Sd/-

V. NALLASENAPATHY  
Member (Technical)

Sd/-

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