

IN THE NATIONAL COMPANY LAW TRIBUNAL  
MUMBAI BENCH

CP No.533/2017

Under section 252 of CA 2013

In the matter of

Aroawana Ports and Infrastructure  
Pvt. Ltd. ... Petitioner 1

Mr. Bashir Nazir Shaikh,  
Director of Aroawana Ports and  
Infrastructure  
Pvt. Ltd. ... Petitioner 2

v/s.

The Registrar of Companies,  
Everest, 5<sup>th</sup> floor,  
100 Marine Drive,  
Mumbai - 400002 ... 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. Ajit Singh Tawar, Advocate

For the Respondent: Mr. Neelambuj, CP - Registrar of Companies, Mumbai.

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

**ORDER**

1. This company petition is filed by Mr. Bashir Nazir Shaikh, Director of Aroawana Ports and Infrastructure Private Limited and Aroawana Ports and Infrastructure Pvt. Ltd. seeking relief against the respondent to restore the name of the company in the Register of Companies.

2. The Petitioner submits that on its failure to file financial statements and Annual Returns right from incorporation of Company on 6.7.2011 to till date, on the understanding that the loss making company need not file returns to the Authorities concerned, the Respondent struck off the name of the company from

the Register of Companies under sec.248 of the Companies Act, 2013. The Petitioners states that the company is carrying on business and the documents required to be filed with the Respondent were prepared and ready for filing before the Respondent when the name of the company is restored.

3. On hearing the submissions of the Professional appearing on behalf of Petitioner, the Company Prosecutor for Registrar of Companies, Mumbai who says that the name of the company may be restored with costs and on perusing the documents filed, it is clear that the Company is in operation, however, due to non-filing of the financials the name was struck off from the Register of companies, this Bench is of the view that the name of the company is to be restored to the Register of Companies.

4. 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 ₹25,000 as cost immediately payable to Registrar of Companies, Mumbai 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 automatically.

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

Sd/-

V. NALLASENAPATHY  
Member (Technical)

Sd/-

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