

IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

CP No. 363/2017

Under section 252 of Companies Act, 2013

In the matter of

Ajit Purushotam Chaphalkar,
Director of
Avanti Mining Tools Pvt. Ltd.
1116, Subhash Nagar Sukrawar Peth
Pune, MH 411002 ... Petitioner

v/s.

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

Order delivered on 19.12.2017

Coram:

Hon'ble Mr. M. K. Shrawat, Member (Judicial)

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

For the Petitioner: Mr. Dinesh Joshi, Company Secretary in Practice.

For the Respondent: Mr. S. P. Kumar, Registrar of Companies, Mumbai,
On behalf of Registrar of Companies, Pune.

Per: V. Nallasenapathy, Member (Technical)

ORDER

1. This company petition is filed by Mr. Ajit Purushotam Chaphalkar, Director and Shareholder of M/s. Avanti Mining Tools Pvt. Ltd. seeking relief against the respondent to restore the name of the company in the register of companies maintained by the Respondent, and to grant six months' time to the company to file the pending forms and returns in compliance with the provisions of the Companies Act, 1956 and Companies Act, 2013 with the Registrar of Companies, Pune.

2. The Petitioner states that the Respondent struck off the name of the Company from the Register of Companies, maintained by it without giving any notice to the Company or to the Directors, vide Public Notice No.ROCP/STK-7/248(5)/2017/PUB/1 dated 11.7.2017.
3. The Petitioner submits that, previously, the Ministry of Corporate Affairs, Government of India vide Notification No.006/560/5/1670(i) dated 30.6.2008 struck off the name of the Company from Register of Companies and dissolved the company, against which this company filed Petition before Hon'ble High Court, Bombay and the name was restored by a conditional Order of the Hon'ble High Court of Bombay, dated 22.4.2016, however, due to the non-fulfillment of the conditions by the Company, on an application for extension of the order dated 22.4.2016, time extension was granted by the High Court for fulfillment of conditions imposed in the original order and due to certain technical issues the company could not upload the forms in time. Subsequently the Respondent issued letter No.ROCP/STK-1/2017/6863 dated 7.3.2017 and finally struck off the name of the company ion 11.7.2017.
4. The Petitioner submits that the company failed to give reply to the notice dated 7.3.2017 from the Respondent since the Directors were constantly travelling for streamlining the business operations and for works related to the new Project undertaken by the company.
5. The Petitioner prayed for six months' time to the company to file the pending forms and returns in compliance with the provisions Companies Act, 2013 and Companies Act, 1956.
6. On hearing the submissions of the Petitioner, the Report of the Registrar of Companies, Pune 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.

7. 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 ₹20,000 with Registrar of Companies, Pune, as cost immediately and will file the pending financial statements and annual returns with the Respondent within a period of 45 days from the date of receipt of this order, failing which this order will stand vacated.

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

Sd/-

V. NALLASENAPATHY
Member (Technical)

Sd/-

M. K. SHRAWAT
Member (Judicial)

19/12/17