

NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH, CHENNAI

CP/183(252)/2017

Under Section 252 of the Companies Act, 2013

In the matter of
M/s. KAYCEEKEYAR PRINT AND VISUAL MEDIA PRIVATE
LIMITED

Vs.

REGISTRAR OF COMPANIES, KERALA

Order delivered on 08.01.2018

CORAM

K. ANANTHA PADMANABHA SWAMY, MEMBER (J)
S.VIJAYARAGHAVAN, MEMBER (TECHNICAL)

For the Petitioner: Mr.Powell T. Maliekal PCS

For the Respondents: Smt.B.Ambili, Company Prosecutor

Per: K.ANANTHA PADMANABHA SWAMY, MEMBER(J)

ORDER

1. This is an application No.183/2017 filed under Section 252 of the Companies Act, 2013 (hereinafter called as the Act) filed by M/s. Kayceekeyar Print and Visual Media Private Limited CIN U22121KL2006PTC019095 (hereinafter called as the Company) seeking a direction to the Registrar of Companies, Kerala (the ROC) to restore the Company in the Register of Companies.

2. Brief averments of the application are that the Company was incorporated on 20.01.2006 in the State of Kerala

and the authorised share capital of the Company is Rs.1,00,000/- divided into 2 shares of Rs.50,000/- each. The Company is engaged in the business as printers and publishers of newspapers. The Company has not filed its annual returns and balance sheet from the financial years 31.03.2011 to 31.03.2015 with the ROC due to unavoidable circumstances.

3. The petitioner have stated that even though they had arranged for filing of annual returns and balance sheets upto 31.03.2016, it could not be filed due to the fact that it had been “strike off” by ROC order No. **ROC/(k)/STK/248(2)/2016-17 dated 08/03/2017**. The applicant company confirms the availability of all audited financial statements upto date and undertakes to update the filing of the pending annual returns and financial statements with the Registrar of Companies within such time as may be allowed. The Company is still carrying on its business and its activities and therefore the present application is filed for restoration of the name of the company in the Register of Companies.

4. “The ROC, who is respondent herein, has filed counter affidavit wherein the details of the Company such as incorporation,

address of the registered office and its main objects as per the memorandum of association are mentioned. While submitting the above facts the ROC has stated that the application may be considered on merits and to direct the applicant to file all pending financial statements and annual returns and pass order imposing costs on the applicant. The ROC inter-alia mentioned in the counter statement that the Company be directed to file an undertaking stating that the accounts of the company were not used as means to transact tainted money during the period of demonetisation.

5. Heard. Perused pleadings and the documents filed in support of the contention of the both parties.

ORDER

1. The Tribunal is of the opinion that it would be just and proper to order **restoration of the name of the Company in the Register of Companies.**
2. The Company shall file all the pending financial statements and annual returns with ROC as per the Act and Rules made thereunder besides filing an affidavit stating that the Company was not involved in money




laundering activities during demonetization period or any unlawful activities during the relevant period.

3. Further it is directed that the applicant company shall pay **the cost of Rs.10,000/-** (Rupees twenty thousand only) to the ROC while submitting the documents. This is for the expenses to be incurred by ROC for publication in the Official Gazette and for other related expenses. Accordingly the **application is allowed.**

4. The ROC is directed to restore the Company in the Registrar of Companies. The applicant is directed to **place this order with ROC within 30 days** from the date of receipt of this order.

Company Petition No.**CP/183/(252)/2017** is hereby stands **disposed of.**


(S.VIJAYARAGHAVAN)
MEMBER (TECHNICAL)


(K.ANANTHA PADMANABHA SWAMY)
MEMBER (JUDICIAL)

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