

**IN THE NATIONAL COMPANY LAW TRIBUNAL,  
SINGLE BENCH, CHENNAI**

CP/149/(252)/2017

Under Section 252(3) of the Companies Act, 2013

In the matter of

**M/s. Pallichal Rock Products Private Limited  
Vs.  
The Registrar of Companies, Kerala & Lakshadweep**

*Order delivered on 8<sup>th</sup> of January, 2018*

CORAM

**CH. MOHD SHARIEF TARIQ, MEMBER (JUDICIAL)**

*For Applicant* : Mr. Georgekutty Kurian, PCS  
*For Respondent* : RoC (in charge) Kerala

**ORDER**

CH. MOHD SHARIEF TARIQ, MEMBER(JUDICIAL) :- (ORAL)

1. Under consideration is a Company Application that has been filed on 10.10.2017 under Section 252(3) of the Companies Act, 2013, by the Applicant Company viz., M/s. Pallichal Rock Products Private Limited, having CIN No. U14102KL2012PTC031772. The Registered Office of the Applicant Company is situated at No.32/2982 B-1, Sahrudaya Building, Ponnuranni,

Kochi-682 019. The prayer made in the Application is to seek order for restoration of the name of the Applicant Company to the Register of Companies maintained by the concerned Registrar of Companies.

2. The Applicant Company is a Private Limited Company and was incorporated on 27.07.2012 under the Companies Act, 1956. The Authorised Share Capital of the Applicant Company is Rs.1,00,000/- divided into 10,000 equity shares of Rs.10/- each. The issued, subscribed and paid-up capital of the Applicant Company is Rs.1,00,000/- divided into 10,000 equity shares of Rs.10/- each. The main object of the Applicant Company is to purchase or otherwise acquire and undertake the whole or any part of the business, property, rights , and liabilities of any person, firm or company carrying on any business which this company is authorised to carry on and to purchase, acquire, apply for, hold, sell and deal in shares, stocks, debentures or debenture stock of any such person, firm or company, to conduct make or carry in to effect

any arrangement, in regard to the winding up of the business of such person, firm or company.

3. The Applicant Company had engaged the services of the Company Secretary to perform the task of filing the statutory returns with the office of the Registrar of Companies, who did not reveal the fact of non-filing Annual Accounts and Annual Returns from the Financial Year 2013 onwards to the Applicant, which is neither wilful nor wanton.

4. Now, the Applicant Company has prayed that in the event of restoration of the name of the Applicant Company in the Register of Companies maintained by the concerned Registrar of Companies, it shall file all outstanding statutory statements for the years for which the default occurred along with the filing fees and the additional fees as applicable on the date of actual filing.

5. The RoC filed the Report on 31.10.2017 wherein it has been stated that the Applicant Company has not


filed its statutory returns since its incorporation, for the reasons best known to it. As a result, the Respondent initiated action under Section 248(1) of the Companies Act, 2013, for 'striking off' the name of the Applicant Company from the Register of Companies, and consequently, the name of the Applicant Company was 'struck off' from the Register of Companies on 16.06.2017. However, the RoC has no objection in restoring the name of the Applicant Company back to the Register of Companies with such costs as deemed fit and proper.

6. Heard the Counsel for the Applicant Company and perused the record including the report of RoC. Keeping in view the facts and circumstances involved in the case and the submissions made, the Application is allowed and the concerned RoC is directed to restore the name of the Applicant Company. The Applicant Company is directed to deliver a certified copy of this Order to the Registrar of Companies within 30 days from the date of this order. On such delivery, the

concerned Registrar of Companies shall in his official name and seal, publish the Order in the Official Gazette, as prescribed.

7. The Applicant Company is directed to file all pending Financial Statements and Annual Returns with the concerned Registrar of Companies by making compliance with the requirements prescribed under the provisions of the Companies Act, 2013 and the Rules made thereunder within the time as may be granted by the concerned Registrar of Companies.

8. The Applicant Company is further directed to submit an Undertaking to the Registrar of Companies stating therein that the accounts of the Company were not used as a means to transact tainted money during the period of demonetization.

9. A fine to the tune of Rs.10,000/- is imposed on the Applicant Company which shall be disbursed to the concerned Office of the Registrar of Companies as per the procedure prescribed for the purpose of the 

expenses to be incurred by the Registrar of Companies for processing the case file of the Applicant Company and for getting the name of the Applicant Company restored to the Register of the Companies.

10. Accordingly, the Application stands disposed of.

P. ATHISTAMANI

  
**(CH. MOHD SHARIEF TARIQ)**  
MEMBER (JUDICIAL)