

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

CP/205/(252)/2017

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

In the matter of

**M/s. Securo Facility Management Private Limited  
Vs.  
The Registrar of Companies, Tamilnadu, Chennai**

*Order delivered on 2<sup>nd</sup> of January, 2018*


CORAM

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

*For Applicant(s) : Mr. S. Sathiyannarayanan, Counsel &  
Mr. A.Kaliannan, CA*  
*For RoC : Mr. B. Sarath Babu, Counsel*

**ORDER**

PER: CH MOHD SHARIEF TARIQ, MEMBER(JUDICIAL)

1. Under consideration is a Company Application that has been filed on 10.11.2017 under Section 252(3) of the Companies Act, 2013, through Director of the Company viz., M/s. Securo Facility Management Private Limited having CIN No. U74900TN2009PTC073486. The Company's Registered Office is situated at No.167, Ramakrishna Nagar, V.V. 

Giri Street, Alwarthirunagar, Chennai – 600 087, Tamilnadu. The prayer made in the Application is to pass an order for restoration of the name of the Applicant Company to the Register of Companies maintained by the concerned Registrar of Companies.

2. The Company is a private limited and was incorporated on 11.11.2009 under the Companies Act, 1956. The Authorised Share Capital of the Company is Rs.1,00,000/- divided into 10,000 equity shares of Rs.10/- each. The issued, subscribed and paid-up capital is Rs.1,00,000/- divided into 10,000 equity shares of Rs.10/- each. The main object of the Company is providing Maintenance Services for Engineering Special Tools and machines for Engineering Industries, gas plants and other allied industries etc.

3. The Petitioner Company has engaged a Company Secretary to perform the task of filing the annual returns and statutory documents with the Office of the Registrar of Companies, but did not file the same. The


Applicant Company came to know the non-filing of the financial statement and annual returns with the concerned Registrar of Companies from the period 2013-2014 onwards, only when the name of the Company was 'struck off' from the Register of Companies.

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 Counsel appearing for the RoC filed the report on 19.12.2017 wherein it has been stated that the Applicant Company has failed to file the Balance Sheets and Annual Returns from the financial year 2013 for the reasons best known to it. Hence, 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 and was also published in Official Gazette dated 15<sup>th</sup> July-21<sup>st</sup> July, 2017.

Further it is averred in the reply that the Application is filed by one Mr. T. Giridharan Director, who is Director as well as shareholder of the Company. In this regard, on 01.01.2018, Mr. T. Giridharan filed an Affidavit wherein at para 5, it is stated that the Application has been filed only in the capacity of a shareholder and not as Director. The Affidavit filed by the Applicant is taken on record.

6. Heard the Counsels appearing on behalf of the Applicant and RoC, and perused the record. Keeping in view the facts and circumstances involved in the case and the submissions made by both the Counsels for the Applicant and RoC, the Application is allowed. Therefore, 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 as 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 Company restored to the Register of the Companies.

10. Accordingly, the Application stands disposed of.

P.ATHISTAMANI

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