

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH**

CP No.713/2017

Under section 252(1) of CA 2013

In the matter of

Mr. Bhagwan Hirachand Soungar
Promoter and Shareholder of
Hira Kimaya Promoters & Builders
Pvt. Ltd. ... Petitioner

v/s.

The Registrar of Companies,
PMT Commercial Building,
3rd floor, Deccan Gymkhana,
Pune – 411026 ... Respondent

Order delivered on 19.01.2018

Hon'ble Mr. B.S.V. Prakash Kumar, Member (Judicial)

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

For the Petitioner: Mr. Manoj Shah, Company Secretary in Practice.

For the Respondent: None present.

Per: V. Nallasenapathy, Member (Technical)

ORDER

1. This company petition is filed by the Petitioner seeking relief against the respondent to restore the name of the company in the Register of Companies maintained by the Registrar of Companies, Pune.
2. The grievance of the Petitioner is that the company was struck off under section 248 of the Companies Act, 2013 due to non-filing of Financial Statements & Annual Return for 2014-15 and 2015-16 wherein the Respondent side filed a detailed report explaining the reasons for striking off of the company under section 248 of the

Companies Act, 2013. It is an admitted fact that the company has not filed its Annual Returns and Financial Statements for the Financial Years 2014-15 & 2015-16.

3. The Petitioner says that the company is a going concern and is engaged in the business of Builders, Promoters, developers, engineers and contractors and to acquire, develop, improve, freehold or leasehold land, develop estates etc. The Petitioner submits that he as a Member of the company has given unsecured loan to the Company and the company out of the said unsecured loan has purchased immovable property for the company for doing construction business which is reflected in the Balance Sheet of 31.3.2014 and entered into Development Agreement with respect to the immovable property. By inadvertence Company has not filed its Annual Returns and Financials for the Financial Years 2014-15 and 2015-16. The Petitioner has enclosed the Audited accounts for the financial years ended 2014-15 and 2015-16, Acknowledgement of Income-tax Returns for the Assessment Years 2016-17 & 2017-18.

4. On hearing the submissions of the Petitioner and on perusing the Report of the Registrar of Companies, Pune and the documents filed, it is clear that the Company is carrying on business operation, however, due to non-filing of the financials the name of the company 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.

5. 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 ₹1,00,000 as cost immediately payable to NCLT, Mumbai Bench (DD favoring Pay & Accounts Officer, Ministry of Corporate Affairs, 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.

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

Sd/-

V. NALLASENAPATHY
Member (Technical)

Sd/-

B.S.V. Prakash Kumar
Member (Judicial)