

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

CP No.711/2017

Under section 252(1) of CA 2013

In the matter of

Davakhar Infrastructure Pvt. Ltd.
Room No.4, Chawl No.4,
New Ganesh Nagar CHS,
Kalyan Shil Road,
Netivali Kalyan East MH 421306

... Petitioners

v/s.

The Registrar of Companies,
100, Everest, Marine Drive,
Mumbai – 400002 MAH

... Respondent.

Order delivered on 19.01.2018

Coram:

Hon'ble Mr. BSV Prakash Kumar, Member (Judicial)

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

For the Petitioner: Yogesh Dabholkar, Practicing Company Secretary

For the Respondent: Neelambuj CP – ROC, Mumbai.

Per: V. Nallasenapathy, Member (Technical)

ORDER

1. This company petition is filed by Petitioner seeking relief against the respondent, inter alia among other things, to restore the name of the company in the Register of companies maintained by the Registrar of Companies, Mumbai.

2. The grievance of the Petitioner is that the company was struck off under section 248 of the Companies Act, 2013 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.

3. The Petitioner says that the company is a going concern, but by inadvertence the Company has not filed its Annual Returns and Financials for

the Financial Years 2013-14, 2014-15 and 2015-16. The Petitioner has enclosed the Audited accounts for the financial years ended 2013-14, 2014-15 and 2015-16, Income-tax Return filed for Assessment Years from 2016-17 to 2017-18, Bank Statement of IDBI Bank Ltd for the period 6.1.2017 to 6.9.2017 and copy of Development Agreement/Memorandum of Understanding along with details of payments made to the land owners to prove that the company is a going concern and has been in business operation right from inception.

4. On hearing the submissions of the Professional appearing on behalf of Petitioners, the Report of Registrar of Companies, Mumbai and on perusing the documents filed, it is clear that the Company is in operation and unless otherwise the relief is given to the company, Land Owners and the Flat Purchasers whose project was undertaken by the company will be put to great hardship.

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/-

BSV PRAKASH KUMAR
Member (Judicial)