

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

CP No.811/2017

Under section 252(1) of CA 2013

In the matter of
Mr. B. Venkatesh Rao,
(Through Power of Attorney Holder
Rohan Ajay Bhagwat)
Venkateshwara House,
S.No.114/A/2, Pune-Sinhagad Road,
Pune – 411030

A Shareholder of
Padmavati Marbles Pvt. Ltd.
Uttara House, 2 Wellesley Road Cajmp,
Pune – 411030 Mah.

... Petitioner

v/s

The Registrar of Companies,
PMT Building, 3rd Floor,
Deccan Gymkhana,
Pune – 411 004. ...Respondent.

Order delivered on 19.1.2018

Coram:

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

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

For the Petitioner: Prachi Wazalwar, Advocate

For the Respondent: None present.

Per: V. Nallasenapathy, Member (Technical)

ORDER

1. This company petition is filed by Petitioners seeking relief against the respondent to restore the name of the company in the register of companies maintained by the Registrar of Companies, Pune and to grant an interim relief to operate the Bank Accounts.

2. The grievance of the Petitioners 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 Petitioners say that the company is a going concern, but by inadvertence Company has not filed its Annual Return for the financial year 2015-16 and Financial statements for the Financial Years 2014-15 and 2015-16. The Petitioner has enclosed the Income-tax Return filed for Assessment Year 2016-17 and 2017-18, and Bank Statement to say that the company is a going concern and has enclosed a copy of Fixed Assets to prove that the company has acquired significant block of assets necessary to commence and continue its business operations.

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 in operation, and unless otherwise the relief is given to the company, the employees, the customers, Shareholders, Creditors and other Stakeholders of the company will be put to great hardship. However, due to non-filing of the financials and Annual Returns, 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/-

BSV PRAKASH KUMAR
Member (Judicial)