

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

**CP No.701/2017**

Under section 252(1) of CA 2013

In the matter of  
Mr. Young Jun See Chun Lee  
Residing at Row House No.J7  
Park Street Wakad,  
Pune – 411027

Ms. Lee Keumok  
Residing at Row House No.J7  
Park Street Wakad,  
Pune – 411027

M/s. Han Gang International  
Hospitality Pvt. Ltd.  
Yash Prestige, S. No.112/1/2/3,  
Opp : DMART, Baner,  
Pune – 411045                      ...      Petitioners  
v/s

The Registrar of Companies,  
PMT Building, 3<sup>rd</sup> Floor,  
Deccan Gymkhana,  
Pune – 411 004.                      ... 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: Amit Punde, Authorized Representative for Young Jun See Chun Lee

For the Respondent: Neelambuj, CP – ROC Mumbai

*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 Account.

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, through inadvertence 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 2012-13, 2013-14, 2014-15, Income-tax Return filed for Assessment Year 2017-18, MVAT Return for financial year 2015-16 and copy of acknowledgement of GST paid for the period August 2017 till October 2017 and Bank Statement to say that the company is a going concern and has been in business operation.

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, 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 ₹50,000 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)