

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

**CP No.783/2017**

Under section 252(1) of CA 2013

In the matter of  
Xoptimo Technologies Pvt Ltd.  
2<sup>nd</sup> Floor, Konark Epitome  
Lohegaon, Viman Nagar  
Pune – 411014.

...Petitioners

The Registrar of Companies, Pune  
3<sup>rd</sup> Floor, PMT building,  
Deccan Gymkhana , Pune – 411004  
....Respondent.

Order delivered on 23.1.2018

Coram:

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

For the Petitioner: Hrishikesh Rajhansa, Company Secretary  
For the Respondent: None.

*Per: V. Nallasenapathy, Member (Technical)*

**ORDER**

1. This company petition is filed by Xoptimo Technologies Pvt Ltd seeking relief against the respondent, interalia among other things, to restore the name of the company in the register of companies, maintained by the Respondent.
2. The grievance of the Petitioner is that the Company was struck off under Section 248 of the Companies Act, whereas the Respondent side filed a detailed report explaining the sequence leading to the striking off of the company. It is an admitted fact that the Company has not filed the Annual Return for year 2015-16 and Financial Statements for the years 2014-15 and 2015-16.

3. The Petitioner enclosed the Audited accounts for the year ended 2013-14, 2014-15 and 2015-16, Bank Statements of Kotak Mahindra Bank for the period from 22.7.2016 to 16.10.2017, Citibank for the period from 1.4.2015 to 15.10.2017 to show that the company is in continuous operation.

4. On hearing the submissions of the Petitioner, on perusing the Report of the ROC, Pune and the documents filed, it is clear that the Company is in operation, however, due to non-filing of the financials the name 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 Rs.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)