

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

**CP No.659/2017**

Under section 252(1) of CA 2013

In the matter of

Numerix Financial Software  
(India) Pvt. Ltd.  
401, 4<sup>th</sup> floor, C-Wing,  
Marathon Innova,  
Ganpatrao Kadam Marg,  
Lower Parel West,  
Mumbai – 400013 MAH

... Petitioners

v/s.

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

... Respondent

Order delivered on 31.01.2018

Coram:

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

For the Petitioner: Madhavi Nalluri, Advocate  
i/b Akshay V. Kamble

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, without giving any show-cause notice to the Company. However, the Respondent side filed a detailed report explaining the reasons for striking off of the company under section 248 of the Companies Act, 2013, wherein the Respondent had issued STK-1 Notice dated 10.3.2017 and the same was returned with remark "left". It is an admitted fact that the company has not filed the Annual Returns and financial statements of the company.

3. The Petitioner submits that the company is carrying on business of development and licensing of financial analytics software used to value derivative financial instruments and manage their risk; providing customer support and product maintenance, providing training, consultancy and other services in relation to its business. Petitioner further submits that the Applicant company has already spent substantial amounts towards development of software and has entered into arrangements with its customers for providing its services. The Petitioner Company has enclosed copies of necessary license and registrations such as Shops & Commercial Establishments registration, Service tax registration etc., to show that the company is a going concern and has been in business operation right from inception.

4. On hearing the submissions of the Counsel 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, employees and the customers of 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 ₹2,00,000 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)