

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

**CP No.727/2017**

Under section 252(1) of CA 2013

In the matter of

Mr. Kishor Kakatkar  
Shareholder & Director of  
Nityaobject Software Services Pvt. Ltd.  
404, Plot No.31, Chinar Heights,  
Prabhat Road, Lane No.5,  
Above Oriental Bank of Commerce,  
Erandwane,  
Pune – 411004.

... Petitioner

v/s.

The Registrar of Companies,  
PMT Commercial Building,  
3<sup>rd</sup> floor, Deccan Gymkhana,  
Pune – 411026 ... Respondent

Order delivered on 31.01.2018

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

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

For the Petitioner: Mr. Ritesh Mahajan, Company Secretary in practice

For the Respondent: Mr. Neelambuj CP – ROC, Mumbai.

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

**ORDER**

1. This company petition is filed by the Petitioner, seeking relief against the respondent to restore the name of the company in the Register of Companies maintained by the Registrar of Companies, Pune.

2. The grievance of the Petitioner is that the company was struck off under section 248 of the Companies Act, 2013 due to non-filing of Annual Returns for the Financial Years 2014-15 & 2015-16 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. It is an admitted fact that the company has not filed its Annual Returns for the Financial Years 2014-15 & 2015-16.

3. The Petitioner says that the company is a going concern and is engaged in the business of developing, improving, analyzing, consulting, selling, distributing, importing, exporting, marketing, maintaining and/or licensing computer hardware, software and program packages and other peripherals and ancillary products including implementation and maintenance of knowledge management and a wide variety of software developing using object oriented technology or any other legacy or modular technologies, etc. The Petitioner submits that Company has many employees on its payroll and if the relief sought for is not granted, there will also be an adverse impact on the company. The Petitioner submits that the default is caused inadvertently. Company has not filed only the Annual Returns for the Financial Years 2014-15 and 2015-16. The Petitioner has enclosed the Audited accounts for the financial years ended 2014-15 & 2015-16 Acknowledgement of Income-tax Returns for the Assessment Years 2015-16, 2016-17 & 2017-18 and statement of Salaries paid to the Employees to show that the company is actively involved in business from its inception

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 carrying on business operation, however, due to non-filing of the 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 ₹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 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)