

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

CP No.797/2017

Under section 252(1) of CA 2013

In the matter of

Kohinoor Elevators Pvt. Ltd.,
703B, Heritage Holy CHS Ltd.
Ambika Nagar, J.N. Road,
Mulund (West),
Mumbai - 400080

... .. Petitioner No.1

Mr. Dilip Ganpat Kotere,
Director & Shareholder of
Kohinoor Elevators P. Ltd.
703B, Heritage Holy CHS Ltd.
Ambika Nagar, J.N. Road,
Mulund (West),
Mumbai - 400080

... .. Petitioner No.2

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: Mr. Ajit Singh Tawar, Advocate

For the Respondent: Neelambuj, CP - ROC Mumbai.

Per: V. Nallasenapathy, Member (Technical)

ORDER

1. This company petition is filed by the Petitioners seeking relief against the respondent 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, 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. It is an admitted fact that the company has not filed its Annual Return and Financial Statements from the Financial Year 2012-13 onwards.

3. The Petitioner says that the company is a going concern, but by inadvertence the Company has not filed its Annual Returns and Financials for the Financial Years 2010-11, 2011-12, 2012-13, 2013-14, 2014-15 and 2015-16. The Petitioner has enclosed the Audited accounts for the financial years 2010-11, 2011-12, 2012-13, 2013-14, 2014-15 and 2015-16, Bank Statement of Abhyudaya Co-operative Bank, Mulund Branch, for the period from 1.10.2016 to 7.11.2017, copies of MVAT e-return filed for the period from January 2011 to November, 2017, copies of Tax invoices of purchases and Sales for the period April 2017 to November 2017 and Acknowledgement of Income-tax Returns filed for the Assessment years 2011-12 to 2015-16 to show that the company is actively involved in its business from its incorporation.

4. On hearing the submissions of the Petitioner Counsel and on perusing the Report of the Registrar of Companies, Mumbai and the various 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 ₹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)