

IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

CP No. 477/2017

Under section 252(1) of CA 2013

In the matter of
Mukesh Goyal Developers Pvt. Ltd.,
Shop No.4, Shree Ganesh Vihar,
S. No.18/1+2/2/2/1 Dhanori,
Pune - 411015 ... Petitioner
V/s.

The Registrar of Companies,
PMT Commercial Building,
3rd floor, Deccan Gymkhana,
Pune - 411026. ... Respondent.

Order delivered on 08.01.2018

Coram:

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

For the Petitioner: Mr. Umesh Joshi, Company Secretary.
For the Respondent: None present.

Per: V. Nallasenapathy, Member (Technical)

ORDER

1. This company petition is filed by the Petitioner M/s. Mukesh Goyal Developers Pvt. Ltd. seeking relief against the respondent to restore the name of the company in the register of companies maintained by the Registrar of Companies, Mumbai.
2. The Petition reveals that the Respondent after giving due notices on 07.3.2017 in Form STK-1, on 27.4.2017 in Form STK-5A under section 248(1) of the Companies Act, 2013, on the ground that the company is not carrying on any business or operation for a period of two immediately preceding financial years and have not made any application for obtaining the status of Dormant Company under section 455 of the Companies Act, 2013, struck off the company

from the Register of Companies and dissolved the company by an order dated 11.7.2017 by publishing in the Official Gazette, despite the reply was given by the company to the above said notice dated 7.3.2017 stating that the company is carrying on business since incorporation and requested further time to submit the Annual Statements and Annual Returns.

3. The Petitioner company submits that due to unavoidable administrative reasons it inadvertently failed to file the Annual Returns and Financial statements for the years ended 2014-15 & 2015-16. Further the company submits that it will file the pending financial statements and annual returns once the name of the company is restored on the file of Register of Companies.

4. On hearing the submissions of the Professional appearing on behalf of Petitioner, report of Registrar of Companies, Pune and on perusing 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 ₹1,00,000.00 as cost immediately to NCLT, Mumbai Bench (DD favoring Pay & Accounts Officer, Ministry of Corporate Affairs, Mumbai) payable to Registrar of Companies, Pune 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)