

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

CP No.723/2017

Under section 252(1) of CA 2013

In the matter of
Shri Samarth Engineering Pvt. Ltd.
174/1, MIDC, Bhoisari,
Pune - 411026 (MAH)

... 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. Suyog Agarker, Practicing Company Secretary

For the Respondent: Mr. Neelambuj, CP - Registrar of Companies, Mumbai.

Per: V. Nallasenapathy, Member (Technical)

ORDER

1. This company petition is filed by Shri Samarth Engineering Pvt. Ltd. seeking relief against the respondent to restore the name of the company in the Register of Companies maintained by the Respondent.

2. The Petitioner submits that on its failure to file financial statements and Annual Returns for the financial years 2014-15 and 2015-16 the Respondent struck off the company from Register of Companies maintained by him as provided under section 248 of the Companies Act, 2013, by following the procedure prescribed thereunder. The Petitioner further states that the

company is in operation right from the financial year 2012-13 to till date. In support of this claim the company has filed Bank Statements from 8.11.2016 to 31.10.2017 to show that the company is in continuous operation. The Petitioner further stated that it is not a shell company and is not indulged in the unfair practices with respect to black money, money laundering, hawala transaction, benami transaction etc.

3. The Petitioner candidly accepts that there were delays in filing required documents with the Registrar of Companies, Pune and prays for restoration of name of the company so that the filing can be completed.

4. On hearing the submissions of the Professional appearing on behalf of Petitioner, the Company Prosecutor of Registrar of Companies, Mumbai on behalf of ROC, Pune, 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 payable to NCLT, Mumbai Bench (DD favouring 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)