

IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

CP No. 639/2017

Under section 252 of CA 2013

In the matter of

Indo-Nepal Holidays Pvt. Ltd.
102 Sumati Tower, M G Road,
Behind Saraswat Bank,
Mulund (w)
Mumbai – 400 080. ... Petitioner
V/s.

The Registrar of Companies, Mumbai
Everest, 100, Marine Drive City
Mumbai- 400 002. ... 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: Ms. Urvi P. Shah, representative of Petitioner.

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

Per: V. Nallasenapathy, Member (Technical)

ORDER

1. This company petition is filed by Indo-Nepal Holidays 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. The Petitioners also sought a direction against the Respondent not to disqualify the Directors under sections 164(2)(a) and 167 of the Companies Act, 2013.

2. The Petition reveals that the Respondent initiated proceedings under Section 248 of the Companies Act, 2013 and struck off the company from the Register of Companies maintained by him, after giving show-cause notices to the Petitioner. There is nothing in the Petition to suggest that the Petitioner has given any reply to the notices sent by the Respondent. The Petition reveals that the company has not filed its financial statements and annual returns for the period 2013-14, 2014-15 and 2015-16. The Petitioner says that they are filing Income-tax Returns regularly and enclosed the Bank statement for the period from 1.4.2014 to 30.9.2017 to show that the company is doing business.

3. On hearing the submissions of the Professional appearing on behalf of Petitioner, the 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, the employees and the customers of the company will be put to great hardship.

4. 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 ₹10,000 as cost immediately 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.

5. The Petition is disposed of in the above terms.

Sd/-

V. NALLASENAPATHY
Member (Technical)

Sd/-

B.S.V. PRAKASH KUMAR
Member (Judicial)