

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

**CP No. 643/2017**

Under section 252 of CA 2013

In the matter of  
Intertium Automotive Pvt. Ltd.  
B-601, 6<sup>th</sup> Floor, B Land Mark  
Garden Society, Kalyani  
Nagar, Pune – 411 006. ...Petitioner

V/s.

The Registrar of Companies, Pune  
3<sup>rd</sup> Floor, PMT Building,  
Deccan Gymkhana,  
Pune- 411 004. ... 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. Pramod S. Shah. Practicing Company Secretary.

For the Respondent: None present

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

**ORDER**

1. This company petition is filed by Intertium Automotive 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 Petition reveals that the Respondent after giving due notices on 09.3.2017 in Form STK-1 and 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. The Petitioner company replied on 31.3.2017, for the notice dated 9.3.2017 issued by Respondent, stating that due to unavoidable circumstances the Company could not file the Annual filings with the Respondent.

3. The Petitioner Company submits that it failed to file financial statements and Annual Returns for the period 2014-15, 2015-16 and 2016-17. The Petitioner further submits that on revival of the name of the company it will file the pending documents with the Respondent. The company enclosed the returns filed by it before Central Excise Authority and Sales –tax Authority to prove that company is doing business.

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 and unless otherwise the relief is given to the company, the employees and the customers of the company will be put to great hardship.

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 ₹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.

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

**Sd/-**

**V. NALLASENAPATHY**  
Member (Technical)

**Sd/-**

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