

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

CP No.791/2017

Under section 252 of CA 2013

In the matter of
ATONCE INFRA DEVELOPERS PVT. LTD.
1st Floor, Sai-Shrusti Niwas,
At Post – Tasgaon, Taluka Mangaon,
Dist. Raigad Tasgaon - 402308

... Petitioner

v/s.

The Registrar of Companies, Mumbai
100, Everest, Marine Drive,
Mumbai - 400002

... Respondent.

Order delivered on 08.02.2018

Coram:

Hon'ble Mr. BSV Prakash Kumar, Member (Judicial)

Hon'ble Mr. V. Nallasenapathy, Member (Technical)

For the Petitioner: Sanjay Lalit, Advocate

i/b M/s. Arjun Amanchi & Associates

For the Respondent: None present.

Per: V. Nallasenapathy, Member (Technical)

ORDER

1. This company petition is filed by Petitioner seeking relief against the respondent, inter alia among other things, to restore the name of the company in the Register of companies maintained by the Registrar of Companies, Mumbai.
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.
3. The Petitioner say that the company is a going concern and actively involved in the business to acquire by infrastructure developments, Construction Hospitality, consultancy, construct, purchase, lease, exchange, rent, auction or otherwise land, roads, dams, bridges, highways, townships, ports, buildings and hereditaments of any size, tenure or description and any

estate or interest therein and any rights connected with lands so situated and to turn the same to account as may be deemed expedient and in particular by laying out, developing or assisting in developing or preparing land by constructing, decorating, furnishing and maintaining offices, flats, service flats, housed, hotels, restaurants, guest houses, bungalows etc. on any terms and conditions, from its inception. The Company has failed to file its statutory returns and financials from its inception for the financial years 2012-13, 2013-14, 2014-15 and 2015-16.

4. The Petitioner has enclosed the Audited accounts for the financial years ended 2012-13, 2013-14, 2014-15, 2015-16 and 2016-17, copies of Acknowledgement of Income-tax Returns filed for Assessment Year 2015-16, Assessment Year 2016-17 and 2017-18, copies of GST Return acknowledgement and VAT Return acknowledgement, copies of HDFC Bank Statement and Axis Bank and copies of various invoices raised, to show that the company is actively engaged in the business from inception.

5. On hearing the submissions of the Counsel appearing on behalf of Petitioners, the Report of 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, the customers, Shareholders, Creditors and other Stakeholders of the company will be put to great hardship and Company will face substantial losses in terms of monetary and non-monetary and will lose its existing contract and business.

6. 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 ₹20,000/- 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.

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

Sd/-

V. NALLASENAPATHY
Member (Technical)

Sd/-

BSV PRAKASH KUMAR
Member (Judicial)