

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

CP No. 05/2018

Under section 252(1) of CA 2013

In the matter of
M. G. Health Care Pvt. Ltd.,
Block No. 101 to 105, Sunder
Apartment, Dr. R. P. Road,
Ramnagar, Dombivli (East)
Thane – 421 201. ...Petitioner

V/s.

The Registrar of Companies, Mumbai
Everest, 5th floor,
100 Marine Drive,
Mumbai - 400002 ... Respondent.

Order delivered on 08.02.2018

Coram:

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

Hon'ble V. Nallasenapathy, Member (Technical)

For the Petitioner: Mr. Yogesh Dabholkar, 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 M/s. M. G. Health Care Pvt. Ltd., 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 Respondent.
2. The grievance of the Petitioner is that the Company was struck off under Section 248 of the Companies Act, without giving any notice to the Company or to the Directors, vide Public Notice No. ROC-MUM/Section 248/2017/STK-7/4 dated 19.7.2017, whereas the Respondent side filed a detailed report explaining the sequence leading to the striking off of the company. It is an admitted fact that the Company has not filed the Annual Return and Financial Statements for

the continuous period of more than two years from the Financial Years 2013-14 onwards.

3. The Petitioner enclosed the Income Tax Return for Assessment Year 2015-16 and 2016-2017, Financial Statements and Annual Returns for the year ended 2013-14, 2014-15, 2015-2016 and 2016-2017 to show that the company is in continuous operation.

4. On hearing the submissions of the Petitioner and on perusing the Report of the ROC, Mumbai and 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 Rs. 1,50,000/- 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.

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

Sd/-

V. NALLASENAPATHY
Member (Technical)

Sd/-

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