

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

CP No.749/2017

Under section 252(1) of CA 2013

In the matter of
Camouflage Insulation India Private
Limited,
No. 16, Mhada Commercial Building,
Sant Tukaram Nagar, Pimpri
Pune – 411 018.

...Petitioner

The Registrar of Companies, Pune
3rd Floor, PMT building,
Deccan Gymkhana , Pune – 411004

....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. Neeraj Parwani and Ms. Padmaja Kulkarni, Practising
Company Secretary

For the Respondent: Mr. Neelambuj, Company Prosecutor, ROC Mumbai.

Per: V. Nallasenapathy, Member (Technical)

ORDER

1. This company petition is filed by Camouflage Insulation India Private Limited , seeking relief against the respondent, interalia 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, 2013 even without giving notice to the Company whereas the Respondent side filed a detailed report explaining the

sequence leading to the striking off of the company. Even though the Petitioner has not disclosed the details of non filing financial statements and annual returns, the report of the ROC reveals that the Company has not filed the Annual Return and Financial Statements from the Financial Year 2014-15 and 2015-16, which contravene the provisions of Section 92 and 137 of the Companies Act, 2013.

3. The Petitioner enclosed the Audited accounts for the year ended 31.03.2012, 31.03.2013, 31.03.2014, 31.03.2015, 31.3.2016 and 31.03.2017, Income Tax Return for Assessment Year 2015-2016, 2016-2017 and 2017-2018 and Bank Statement of Bank of Baroda for the period from 1.9.2017 to 30.9.2017 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, Pune 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.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)