

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

**CP No.577/2017**

Under section 252 of CA 2013

In the matter of  
DEEMA HOLIDAY APARTMENTS PVT. LTD.  
Naika Waddo, Opp : Calangute Village,  
Blade House, H.No.2/175A, Lavina Street,  
Calangute,  
Goa - 403516 ... Petitioner

v/s.

The Registrar of Companies, Goa  
Corporate Bhavan, EDC Complex,  
Plot No.21, Patto Panaji,  
Goa - 403001. ... 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: Ms. Shital Ekawade, Advocate  
Bramhadev M. Mishra, Director of Petitioner Company.

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, Goa.
2. The grievance of the Petitioners 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 Petitioners say that the company is a going concern, carrying on business to erect, construct, equip, lease or in any other manner and in all aspects deal in, hotels, motels, guest houses, holiday resorts, lodging houses with all the conveniences, amenities, and facilities adjunct thereto to promote

tourism and to carry on business as Tourist Agents for hotel accommodation, boarding and/or lodging accommodation, guide, safe deposits, enquiry, libraries, lavatories, reading rooms, baggage etc. from its inception. The Petition reveals that the company defaulted in filing Annual Returns and Balance Sheets but it was not stated for which financial years the filings are not done. However, the communication sent to the ROC, Goa, by the Petitioner, reveals that the company has failed to file Annual Accounts and Returns from the Financial Year 2006-07 onwards.

4. The Petitioner has enclosed the Audited accounts for the financial years ended 2013-14, 2014-15 and 2015-16, copy of Acknowledgement of Income-tax Return filed for Assessment Year 2014-15, to show that the company is a going concern and has been in business operation from inception.

5. On hearing the submissions of the Counsel appearing on behalf of Petitioners, the Report of Registrar of Companies, Goa 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 company will not be in a position to continue functioning. 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 ₹2,00,000/- 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/-

BSV PRAKASH KUMAR  
Member (Judicial)