

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

CP No.837/2017

Under section 252(1) of CA 2013

In the matter of
Srijan Control Drives Pvt Ltd
Unit No.25, Ground & First Floor
Electronic Co-Op Estate
Pune Satara Road
Pune – 411 009.

...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: Milind Kasodekar, Practising Company Secretary

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

Per: V. Nallasenapathy, Member (Technical)

ORDER

1. This company petition is filed by Srijan Control Drives Private Limited 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, 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 from the Financial Year 2013-14 onwards.

3. The Petitioner enclosed the Audited accounts for the year ended 2013-14, 2014-15 and 2015-16 and Income Tax Return for Assessment Year 2014-15, 2015-16, 2016-17 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.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)