

IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

CP No. 19/2018

Under section 252(1) of CA 2013

In the matter of
Rammangal Heart Foundation
Pvt. Ltd.,P-1
R/o. Bunglow A-24, Padma
Vilas Enclave, 18 Mahadaji
Shinde Marg, Wanawadi,
Pune- 411 040.
Dr. Ranjit Ramchandra Jagtap P-2
Mrs. Manisha Ranjit Jagtap P-3
Ms. Poulami Ranjit Jagtap P-4
Ms. Aditi Ranjit Jagtap P-5
Shareholders of the Company

V/s.

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. Devendra Vasant Deshpande, Practicing Company Secretary.

For the Respondent: Mr. Neelambuj, CP - Registrar of Companies, Mumbai on behalf of ROC, Pune.

Per: V. Nallasenapathy, Member (Technical)

ORDER

1. This company petition is filed by M/s. Rammangal Heart Foundation Pvt. Ltd. and 4 others, 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, whereas the Respondent side filed a detailed report explaining the sequence leading to the striking off of the company. The Petitioner stated that the Company could not file its Financial Statements to the Registrar of Companies in time and there is delay in filing the financial statements, however the Petition does not disclose the years for which the financial statements/annual returns were not filed. However, the report of the ROC reveals that the Company has not filed financial statements/annual returns for the Financial Years 2014-15 and 2015-16.
3. The Petitioner enclosed the Audited accounts for the year ended 2012-13, 2013-2014, 2014-2015, 2015-16 and 2016-2017, copies of Income Tax Return Acknowledgement years 2015-16, 2016-2017 and 2017-2018, Statement of Account of Bank of India for the period from 1.4.2016 to 31.12.2017 and of HDFC Bank for the period from 1.4.2017 to 9.12.2017 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. 30,000/- 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)