

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

**CP No.788/2017**

Under section 252(1) of CA 2013

In the matter of EIFFEL HOMES  
PVT.LTD.

Xrbia Developers Ltd.  
Shareholder of  
EIFFEL HOMES PVT. LTD.  
Represented by  
Mr. Manojkumar Kamble  
Office No.125/126, Patil Plaza  
Mitramandal Chowk, Parvati,  
Pune - 411009.MAH  
... Petitioner

v/s.

The Registrar of Companies,  
PMT Commercial Building,  
3<sup>rd</sup> floor, Deccan Gymkhana,  
Pune - 411026  
... Respondent

Order delivered on 05.02.2018

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

For the Petitioner: Mr. Kuldeep Ruchandani, Company Secretary in practice  
For the Respondent: None present

*Per: V. Nallasenapathy, Member (Technical)*

**ORDER**

1. This company petition is filed by the Petitioner, seeking relief against the respondent to restore the name of the company in the Register of Companies maintained by the Registrar of Companies, Pune.

2. The grievance of the Petitioner is that the company was struck off under section 248 of the Companies Act, 2013 due to non-filing of Annual Returns for the Financial Years 2014-15 & 2015-16 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. It is an admitted fact that the company has not filed its Annual Returns for the Financial Years 2014-15 & 2015-16.

3. The Petitioner says that the company is a going concern and carrying on business as promoters, developers, civil contractors of flats, apartments, buildings, bridges, dams, canals, roads, percolation tanks, turnkey projects, civil construction or land development etc. Company has not filed Financial statements and the Annual Returns for the Financial Years 2014-15 and 2015-16. The Petitioner submits that the default is caused inadvertently. The Petitioner has enclosed the Audited accounts for the financial years ended 2014-15 & 2015-16 Acknowledgement of Income-tax Returns for the Assessment Years 2015-16 & 2016-17, Bank Statement of Oriental Bank of Commerce, Pune Branch, for the period from 1.4.2017 to 31.11.2017, copies of TDS Return filed and the GST return filed to show that the company is actively involved in business from its inception

4. On hearing the submissions of the Petitioner and on perusing the Report of the Registrar of Companies, Pune and the documents filed, it is clear that the Company is carrying on business operation, however, due to non-filing of the Annual Returns the name of the company 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 ₹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 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)