

IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

CP No. 603/2017

Under section 252 of CA 2013

In the matter of
Pramod Digambar Koti
Director of Prachit Trading
Company Pvt. Ltd.
143 Ladkat Wadi, Navlakha
Complex Flat 5 & 6,
Pune- 411 001.

...Petitioner 1

Prachit Trading Company Pvt. Ltd.
143 Ladkat Wadi, Navlakha
Complex Flat 5 & 6,
Pune- 411 001. ... Petitioner 2

V/s.

The Registrar of Companies, Pune
3rd Floor, PMT Building,
Deccan Gymkhana,
Pune- 411 004. ... Respondent.

Order delivered on 08.01.2018

Coram:

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

For the Petitioner: Mr. V. S. Khanvalkar, Practicing Company Secretary.
For the Respondent: None

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

to enable the company to complete the pending filings as required under the provisions of the Companies Act, 2013.

2. The Petition reveals that the Respondent after giving due notices on 07.4.2017 in Form STK-5, on 27.4.2017 in Form STK-5A, u/s.248(1) of the Companies Act, 2013, on the ground that the company is not carrying on any business or operation for a period of two immediately preceding financial years and have not made any application for obtaining the status of Dormant Company under section 455 of the Companies Act, 2013, struck off the company from the Register of Companies and dissolved the company by an order dated 11.7.2017 vide Public Notice No.ROCP/STK-7/248(5)/2017/PUB/1. It seems that the Petitioner has not given any reply to the Respondent for the notices served on him.

3. The Petitioner states that the company had recorded a turnover of Rs.1,20,33,969/- for the Financial Year ended 31.3.2017 and the company is functioning well but due to sheer inadvertence the company has not filed the financial statements for all the financial years despite the fact that they are ready.

4. On hearing the submissions of the Professional appearing on behalf of Petitioner and on perusing the documents filed, Report of the Registrar of Companies, Pune, it is clear that the Company is in operation and unless otherwise the relief is given to the company, the employees and the customers of the company will be put to great hardship.

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 that the Petitioner Company will deposit a sum of ₹50,000 as cost immediately to NCLT, Mumbai Bench (DD favouring Pay & Accounts Officer, Ministry of Corporate Affairs, Mumbai) and will file all 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)