

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

CP No.457/2017

Under section 252 of CA 2013

In the matter of
CHAMPIONS YACHT CLUB PVT. LTD.
206, Aldeia De Goa, Near Hotel Grand Hyatt,
City – Bambolim,
Goa – 403201(North) ... Petitioner

v/s.

The Registrar of Companies, Goa, Daman Diu
At – Plot No.21, EDC Complex Patto,
City – Panjim,
Goa – 403001. ... Respondent.

Order delivered on 20.02.2018

Coram:
Hon'ble Mr. BSV Prakash Kumar, Member (Judicial)

For the Petitioner: Mr. Roy Jacob, Practicing Company Secretary.
For the Respondent: None present.

Per: B.S.V. PRAKASH KUMAR, Member (Judicial)

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 has been active since incorporation and has been maintaining all the requisite documentation, as per the provisions of the Companies Act, 2013 and company intends to continue to carry on the business. The Petitioner further submits that the due to lack of co-ordination and cooperation between the Accounts Department, Auditors and the Directors of the company having no knowledge of compliances of filing Statutory records, the company failed to file its returns

with the Registrar of Companies for the Financial Years 2013-14, 2014-15 and 2015-16.

4. The Petitioner has enclosed the Audited accounts for the financial years ended 2013-14, 2014-15 and 2015-16, Copy of Bank Statement of State Bank of India, Bhavanipuram, Vijayawada for the period from 1.7.2017 to 3.9.2017, Registration Certificate of VAT-II, copies of Annual Licenses for Vessels other than Rafts, copies of Fixed Assets Purchase Invoice etc., to show that the company is a going concern and has been in business operation from inception.

5. On hearing the submissions of the Professional appearing on behalf of Petitioner, 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 and the Petitioner as well as its shareholders shall suffer irreparable loss and hardship. 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 ₹1,00,000/- 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/-

BSV PRAKASH KUMAR
Member (Judicial)