

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

**CP No.599/2017**

Under section 252(1) of CA 2013

In the matter of

TYRESECURE INTERNATIONAL  
PVT.LTD.

Shivaratn Appt., Suryanagari  
A/P Jalochi, Tal. Baramati,  
Pune - 413102

... Petitioner

v/s.

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

... Respondent

Order delivered on 20.02.2018

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

For the Petitioner: Mr. Mahesh Waghole, 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 Financial Statements and 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 Financial Statements and 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 traders, distributor, exporters, importers, dealer, brokers, stockiest, merchants, selling and marketing of all kinds tyres, tyre protector sealant, apparatus and other gadgets, appliances, accessories, spare parts, and other allied equipment used in and for the manufacturing of sealant and essential for the protection purposes in automotive, motors, commercial vehicles, trucks, tractors, carriages, and vehicles suitable for the propulsion on land, sea or in the air or in any combination thereof and to deal in various engineering products and equipment used for various industrial and commercial purposes. The Company has enclosed Acknowledgement of Income-tax Return for the Assessment Year 2014-15, Bank Statement of HDFC Bank, Pune Branch, for the period from 19.5.2017 to 22.08.2017, to show that the company is actively involved in business.

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 Financial Statements and 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.

**NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH, MUMBAI**

CP No. 599/252(1)/2017

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 ₹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 annual 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)