

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

CP No.473/2017

Under section 252(1) of CA 2013

In the matter of

Microfine Mercantile Company
Pvt. Ltd.

58, Maharashtra Bhavan, 4th floor,
Bora Masjid Street, Fort,
Mumbai – 400001 (MH)

... Petitioner

v/s.

The Registrar of Companies,
Western Region,
100, Everest, Marine Drive,
Mumbai – 400002 (MH)

... Respondent

Order delivered on 12.01.2018

Coram:

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

Hon'ble Mr. V. Nallasenapathy, Member (Technical)

For the Petitioner: Archana Lakhe, Company Secretary

For the Respondent: Neelambuj, CP-ROC Mumbai

Per: V. Nallasenapathy, Member (Technical)

ORDER

1. This company petition is filed by Petitioners seeking relief against the respondent, to restore the name of the company in the Register of companies maintained by the Registrar of Companies, Mumbai, Maharashtra.

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 reply explaining the reasons for

striking off of the company under section 248 of the Companies Act, 2013 and also sought to impose cost on the company.

3. The Petitioners say that the company is a going concern, due to administrative and technical issues, the Company has not filed its Annual Returns and Financials for the Financial Years 2013-14, 2014-15 and 2015-16. The Petitioner has enclosed the Audited accounts for the financial years ended 2013-14, 2014-15 and 2015-16, Income-tax Return filed for Assessment Years from 2014-15 to 2016-17. The Company further states that it has no business transactions during last few years, however, has business plan and some projects in hand.

4. On hearing the submissions of the Professional appearing on behalf of Petitioners, the reply of Registrar of Companies, Mumbai, Maharashtra and on perusing the documents filed, this Bench is of the view that the relief as sought by the company is to be granted.

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 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 NAIK ASFNAPATHY
Member (Technical)

Sd/-

BSV PRAKASH KUMAR
Member (Judicial)