

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

CP No.567/2017

Under section 252 of CA 2013

In the matter of
Mayfair Mines And
Minerals Pvt. Ltd.
2 Maneck Hall, East Street,
Camp, Pune - 411001

... Petitioners

v/s.

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

... Respondent.

Order delivered on 12.1.2018

Coram:

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

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

For the Petitioner: Ms. Neha Apte, Company Secretary

For the Respondent: Neelambuj - CP, ROC Mumbai.

Per: V. Nallasenapathy, Member (Technical)

ORDER

1. This company petition is filed by the Petitioner Company Mayfair Mines and Minerals Pvt. Ltd. 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 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 and Financial Statements for the Financial Years 2013-14 to 2015-16.

3. The Petitioner says that the company is engaged in the business of purchase, sale, export and dealing in minerals and mineral products. Since the company is engaged in mining activity, it is necessary to obtain License from the Mining Authority. Company intends to start the business activity and is in the process of getting mining license and presently the company is incurring losses. In view of the above, and by inadvertence 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, Acknowledgement of Income-tax Returns for the Assessment Years 2014-15, 2015-16 & 2016-17 and Bank Statement of Union Bank of India for the period from 1.4.2015 to 27.2.2017.

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 intends to carry on business operation, however, due to non-filing of the financials 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 ₹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/-

V. NALLASENAPATHY
Member (Technical)

Sd/-

BSV PRAKASH KUMAR
Member (Judicial)