

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

CP No.571/2017

Under section 252 of CA 2013

In the matter of

Oceanic Estates Pvt. Ltd.
1027, New Nana Peth,
Pune – 411002 ... Petitioners

v/s.

The Registrar of Companies,
PMT Building, 3rd Floor,
Deccan Gymkhana
Pune – 411 004. ... 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: 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 Oceanic Estates 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

Return and Financial Statements from the Financial Year 2012-13 onwards.

3. The Petitioner says that the company is a going concern, but by inadvertence Company has not filed its Annual Returns and Financials for the Financial Years 2012-13, 2013-14, 2014-15 and 2015-16. The Petitioner has enclosed the Audited accounts for the financial years 2012-13, 2013-14, 2014-15 and Bank Statement of Union Bank of India. The Company further states that it has invested substantial amount in land and the same is in litigation.

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 in 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)