

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

CP No.799/2017

Under section 252(1) of CA 2013

In the matter of
Ratnadeep Madhavrao Patil,
Bhagwan Vishnu Chopade,
Ashok Onkar Patil,
Shareholders of
Miracle Dies & Tools Pvt. Ltd.
Gat No.1264, Sane Indl. Complex,
Spine Road,
Pune - 411 062 ... Petitioners

v/s.

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

Order delivered on 15.01.2018

Coram:

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

For the Petitioner: Adwait Kulkarni, Practicing Company Secretary &
Devendra Deshpande, Company Secretary in practice.

For the Respondent: None present.

Per: V. Nallasenapathy, Member (Technical)

ORDER

1. This company petition is filed by Petitioners 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, Pune.
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 is a going concern, but by inadvertence the 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 ended 2012-13, 2013-14, 2014-15 and 2015-16, Income-tax Return filed for Assessment Years from 2013-14 to 2016-17, Certificate of Registration for GST, Bank Statement of IDBI Bank Ltd for the period 1.4.2016 to 10.3.2017 and HDFC Bank for the period 1.11.2016 to 31.3.2017, to prove that the company is a going concern and has been in business operation.

4. On hearing the submissions of the Professional appearing on behalf of Petitioners, the Report of Registrar of Companies, Pune 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 employees, the customers, Shareholders, Creditors and other Stakeholders of the company will be put to great hardship.

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)