

IN THE NATIONAL COMPANY LAW TRIBUNAL,
DIVISION BENCH, CHENNAI

CP 69/2017

Under Sections 252(1) of the Companies Act, 2013

In the matter of

M/s. Billiance Infrastructure Private Limited

Vs.

The Registrar of Companies, Chennai

Order delivered on 27th of September, 2017

CORAM

CH. MOHD SHARIEF TARIQ, MEMBER (JUDICIAL)
S.VIJAYARAGHAVAN, MEMBER (TECHNICAL)

For Petitioner : *Mr. M. Rathina Kumar, PCS*

ORDER

Per: CH. MOHD SHARIEF TARIQ, MEMBER (JUDICIAL)

1. Under consideration is an Application that has been filed under Section 252 of the Companies Act, 2013 with a prayer to direct the Registrar of Companies to restore the name of the Company on the Register of Companies, Chennai.

2. It has been stated that the Applicant Company has not filed Annual Accounts and Annual Returns for the Financial Year ended since incorporation. The Company was incorporated on 06.05.2011 with the Registrar of Companies, Chennai, having its registered office at Ashok Nagar, No. 81, Kamarajar Street, Konarikuppam, Kanchipuram – 631 501. The main object of the Petitioner Company is to carry on the business of layout builders, contractors and to layout develop, construct, build, erect, demolish, etc. The concerned Registrar of Companies by initiating action under Section 248 of the Companies Act, 2013, given the notice to the Applicant Company to which there was no response. The Applicant Company was struck off from the Register of Companies as published in Gazette of India on 15th - 21st of July 2017.

3. The Applicant Company has taken a plea that the Company has not filed Balance Sheet and Annual Return since incorporation onwards for the reason that it did not carry on any business operation for a

period of 2 years immediately preceding financial years and the Company does not have any professional guidance for the purpose of making compliance with the provisions of the Companies Act, and the notice issued by the Registrar of Companies has not been received. The Deputy Registrar of the Companies, Chennai, has filed the objections stating therein that the Company was struck off from the Register of Companies for the reasons that the Balance Sheet and Annual Returns were not filed since its incorporation. The Deputy Registrar of Companies submitted that the Applicant Company may be directed to file all pending financial statements and Annual Returns with an undertaking that the accounts of the subject Company was not used as means to transact tainted money during the period of demonetization.

4. We have heard the representative appearing on behalf of the Company and perused the Application along with the record including the objections filed by the concerned Registrar of Companies. In the

circumstances, we allow the Application and direct the Applicant Company to deliver a certified copy of this order to the Registrar of Companies within 30 days from the date of the order. On such delivery, the concerned Registrar of Companies shall in his official name and seal, publish the Order in the Official Gazette. We direct the Applicant Company to file pending Financial Statements and Annual Returns with the concerned Registrar of Companies and comply with the requirements prescribed under the provisions of the Companies Act, 2013 and the Rules made thereunder within the time as may be granted by the concerned Registrar of Companies. The authorized capital of the Company is Rs.5 Lakhs divided into 50,000 Equity Share of Rs.10/- each and the paid up capital is Rs.1 Lakh and divided into 10,000 Equity Share of Rs.10/- each. Therefore, keeping in view of the financial position, there is no order as to costs.

5. The Applicant is also directed to file an Affidavit with the concerned Registrar of Companies to the effect that during the interregnum period, the Applicant Company did not involve itself in any of the unlawful activities, and subject Company was not used as means to transact tainted money during the period of demonetization.

S. Vijayaraghavan

S.VIJAYARAGHAVAN
MEMBER (TECHNICAL)

CH. MOHD SHARIEF TARIQ

CH.MOHD SHARIEF TARIQ
MEMBER (JUDICIAL)