

IN THE NATIONAL COMPANY LAW TRIBUNAL,
DIVISION BENCH, CHENNAI

CP/127/(252)/2017

Under Section 252 (3) of the Companies Act, 2013.

In the matter of

M/s. Genuine Infotech Private Limited
Vs.
The Registrar of Companies, Tamilnadu,
Coimbatore

Order delivered on 3rd of November, 2017

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

For Applicant(s) : Mr. D. Mohana Sundaram, PCS

ORDER

CH MOHD SHARIEF TARIQ, MEMBER(JUDICIAL) :- (ORAL)

1. Under consideration is a Company Application that has been filed Under Section 252 (3) of the Companies Act, 2013 by the Applicant Company viz., M/s. Genuine Infotech Private Limited having CIN No. U72200TZ1995PTC006681 and its Registered Office is situated at No. 19, Jose Complex, 10th Street,

Grandhipuram, Coimbatore, Tamil Nadu – 641 012.


The prayer made to seek order for restoration of the name of the Applicant Company to the Register of Companies maintained by the concerned Registrar of Companies.

2. The Applicant Company is a private limited by shares and got incorporated on 14.11.1995 under the Companies Act, 1956. The Authorised Share Capital of the Applicant Company is Rs.40,00,000/-. The issued, subscribed and paid-up capital is Rs.40,00,000/- divided into 4,00,000/- equity shares of Rs.10/- each. The main object of the Applicant Company is to carry on the business of data processing, image processing, net-working and training in computers; to design, develop, to get developed, procure deal in the trade of software for computers; to undertake servicing of computers, printers and other computer accessories, etc. ✓

3. It has been submitted by the Applicant that by inadvertence and due to oversight, the Applicant Company did not file the annual accounts and annual returns for the year ending 31.03.2014 to 31.03.016. Hence, the name of the Applicant Company was 'struck off' from the Register of Companies maintained by the Registrar of Companies under Section 248(5) of the Companies Act, 2013 read with Rule 3 of the Companies (Removal of Name of Companies from the Register of Companies) Rules, 2016.

4. Now, the Applicant Company prayed that in the event of revival of the Company and restoration of the name in the Register of Companies maintained by the concerned Registrar of Companies, it shall file all outstanding statutory statements for the year for which the default occurred along with the filing fees and the additional fees as applicable on the date of actual filing.

5. The ROC filed the report on 13.10.2017 wherein it has been stated that the Applicant Company had defaulted in filing its statutory returns since 2014. Hence, notice under Section 248(1) in STK-5 was issued to the Applicant Company and its Directors, on 27.05.2017. Since no reply was received from the Applicant Company and its Directors, the Applicant Company was 'struck off' under Section 248(5) of the Companies Act, 2013. It is further averred that the ROC has no objection in restoring the name of the Applicant Company back to the Register of Companies with such costs as deemed fit and proper.

6. We have heard the representative appearing on behalf of the Applicant and perused the record. Keeping in view the facts and circumstances of the case and the submissions made by the representative for the Applicant, we allow the Application and order for restoration of the name of the Applicant Company to the Register maintained by the concerned ROC. We direct the Applicant Company to deliver a certified copy 

of this Order to the Registrar of Companies within 30 days from the date of this order. On such delivery, the concerned Registrar of Companies shall in his official name and seal, publish the Order in the Official Gazette, as prescribed.

7. We direct the Applicant Company to file all pending Financial Statements and Annual Returns with the concerned Registrar of Companies by making compliance 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.

8. The Applicant Company is further directed to submit an Undertaking to the Registrar of Companies stating therein that the accounts of the Company were not used as means to transact tainted money during the period of demonetization. ✓

9. We impose fine to the tune of Rs.20,000/- on the Applicant Company which shall be disbursed to the concerned Office of the Registrar of Companies as per the procedure prescribed for the purpose of the expenses to be incurred by the Registrar of Companies for processing the case file of the Applicant Company for getting the name of the Company restored to the Register of the Companies.

10. Accordingly, the Application stands disposed of.

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