

IN THE NATIONAL COMPANY LAW TRIBUNAL,  
DIVISION BENCH, CHENNAI

**CP/105/(252)/2017**

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

In the matter of

**M/s. NKR Import and Export Private Limited**  
**Vs.**  
**The Registrar of Companies, Chennai**

*Order delivered on 6<sup>th</sup> of November, 2017*

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


*For Applicant(s) : Mr. Thamizhvanan, PCS*  
*For Respondent(s) : Mr. B. Sridhar, Dy. ROC*

**ORDER**

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

1. Under consideration is a Company Application that has been filed on 19.09.2017 under Section 252 (3) of the Companies Act, 2013 by the Applicant Company viz., M/s. NKR Import and Export Private Limited having CIN No.U51211TN2005PTCO55763 and its Registered Office is situated at Aminthanallur Road,

Kilmeni Village, Chinambedu-post, Ponnery-Taluk, Thiruvallur-District, Tamil Nadu-601 206. 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 24.03.2005 under the Companies Act, 1956. The Authorised Share Capital of the Applicant Company is Rs.10,00,000/- divided into 1,00,000 shares of Rs.10/- each. The issued, subscribed and paid-up capital is Rs.1,00,000/- divided into 10,000/- equity shares of Rs.10/- each. The main object of the Applicant Company is to carry on the business of Import and Export of Rice, Spices, Food products, Readymade garments, Cosmetics, Groceries, Sea-foods, Silver/Brass Utensils, Antiques, Jewelleries, Textiles, Silver, Gold articles, Leather goods, Cosmetics, Fancy items, branded items and other commodities having commercial value. 


3. It has been submitted that the Applicant came to know that 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, only when the notice under Form No. STK-7, Notice of Striking Off and Dissolution was published on 05.07.2017 and the reason for 'struck off' from the Register of Companies has been given that the Applicant Company was not carrying on any business or operation for period of two immediate preceding financial years. But, the Applicant company was very much in continuing operation since its incorporation. To substantiate the arguments, the Applicant has filed the balance sheet for the year ending 31.03.2017 and the profit and loss statement for the year ending 31.03.2017 which are placed at pages 16 and 17 of the typed set filed with the Application.

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 years for which the default occurred along with the filing fees and the additional fees as applicable on the date of actual filing.

5. The Deputy Registrar of Companies filed the report on 31.10.2017 wherein it has been stated that the Applicant Company failed to file the balance sheet and annual returns upto date. Hence, the Respondent has initiated action under Section 248(1) of the Companies Act 2013 for striking off the name of the Company from the Register of Companies and consequently the name of the Applicant Company was struck off from the Register of Companies and was published in Official Gazette dated 15-21<sup>st</sup> July, 2017. It is further stated 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 concerned Deputy Registrar of Companies and perused the record. Keeping in view the facts and circumstances of the case and the submissions made by the representative for the Applicant and the Deputy Registrar of the Companies, 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.5,000/- 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)