

IN THE NATIONAL COMPANY LAW TRIBUNAL,  
DIVISION BENCH, CHENNAI

**CP/123/(252)/2017**

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

In the matter of

**M/s. SPN Hotels Private Limited**

**Vs.**

**The Registrar of Companies, Tamilnadu, Chennai**

*Order delivered on 15<sup>th</sup> of November, 2017*

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

For Applicant(s) : Mr. P.Srinivasan, Counsel  
For Respondent(s) : Mr.B. Sarath Babu, Counsel

**ORDER**

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

1. Under consideration is a Company Application that has been filed on 16.10.2017 under Section 252 (3) of the Companies Act, 2013 by the Applicant Company viz., M/s. SPN Hotels Private Limited having CIN No. U55101TN2009PTCO71279 and its Registered


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Office situated at No.29, Thirumalai Pillai Road (Opposite to Kamaraj Illam), T. Nagar, Chennai - 600 017. The prayer is 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 one and was incorporated on 13.04.2009 under the Companies Act, 1956. The Authorised Share Capital of the Applicant Company is Rs.5,00,000/- divided into 50,000 equity 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 establish, takeover, purchase, take on lease, hire, erect, acquire or otherwise own, manage, operate, administer and to carry on the business of running hotels, motels, holiday camps, resorts, serviced apartments, apartment hotel, guest houses with facilities such as restaurants, canteens, caterers etc.

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3. It has been submitted by the Applicant Company that after incorporation, the Applicant Company was filing all its balance sheet, profit and loss account and annual returns regularly with the Registrar of Companies, Tamilnadu, Chennai but, by inadvertence and lack of professional guidance, the Applicant Company failed to file its balance sheet, profit and loss account and annual returns with effect from 31.03.2014 onwards with the Registrar of Companies. Hence, the name of the Applicant Company was 'struck off' from the Register 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 restoration of the name of the Applicant Company 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 

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and the additional fees as applicable on the date of actual filing.

5. The Counsel appearing for the RoC filed the report on 06.11.2017 wherein it has been stated that the Applicant Company chose not to file the balance sheets and annual returns upto date. Hence, the Respondent initiated action under Section 248(1) of the Companies Act 2013 for striking off the name of the Applicant 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 Counsels appearing on behalf of the Applicant and RoC, and perused the record. Keeping in view the facts and circumstances involved in the case and the submissions made by both the 



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Counsels for the Applicant and RoC, 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.10,000/- 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,**  
MEMBER (TECHNICAL)  
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**CH.MOHD SHARIEF TARIQ**  
MEMBER (JUDICIAL)