

IN THE NATIONAL COMPANY LAW TRIBUNAL,
SINGLE BENCH, CHENNAI

CP/151/(252)/2017

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

In the matter of

M/s. Lakhotia Enterprise Private Limited

Vs.

The Registrar of Companies, Tamilnadu, Chennai

Order delivered on 29th of November, 2017

CORAM

CH. MOHD SHARIEF TARIQ, MEMBER (JUDICIAL)

For Applicant(s) : Mr. A.K. Rajasekar, Counsel
For RoC : 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 20.09.2017 under Section 252 (3) of the Companies Act, 2013 by the Applicant Company viz., M/s. Lakhotia Enterprise Private Limited having CIN No. U51909TN1998PTC039974 and its Registered Office is situated at No.155,

Broadway, Chennai – 600 108. 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 is a private limited company and was incorporated on 25.02.1998 under the Companies Act, 1956. The Authorised Share Capital of the Applicant Company is Rs.10,00,000/- divided into 1,00,000 equity shares of Rs.10/- each. The issued, subscribed and paid-up capital is Rs.1,00,000/-. The main object of the Applicant Company is to buy, sell, import, export, distribute, manufacture, process and deal in all types of rubber and rubber goods, rubber belts; to deal in all types of raw materials used in the components in the rubber, plastic and belting industries, and products and to carry on the business of agency and manufacturers, representatives, both in Indian and foreign and to appoint sub-agents or other agents in any part of the India and outside India for the


sale of its own manufactured goods and similar goods of principals.

3. It has been submitted that the Applicant is a private limited company having two shareholders and one of them suffered from serious ailment. Since the Balance Sheets and Annual Returns had to be ratified and signed by both the members, the same could not be filed with the RoC from the Financial Year 2013 onwards, which is neither wilful nor wanton. As a result, 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 and the additional fees as applicable on the date of actual filing.

5. The Counsel appearing for the RoC filed the report on 10.11.2017 wherein it has been stated that the Applicant Company has not filed its Balance Sheets and Annual Returns from the Financial Year 2013 onwards, for the reasons best known to it. As a result, 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 15th -21st of July, 2017. It has further been 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. Heard the Counsels for the Applicant and the RoC, and perused the record. Keeping in view the 

facts and circumstances involved in the case and the submissions made by the Counsels for the Applicant and the RoC, the Application is allowed and restoration of the name of the Applicant Company to the Register maintained by the concerned RoC is ordered. The Applicant Company is hereby directed 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. The Applicant Company is further directed 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 also directed to submit an Undertaking to the Registrar of Companies stating

therein that the accounts of the Company were not used as a means to transact tainted money during the period of demonetization.

9. The fine to the tune of Rs.10,000/- is hereby imposed 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.


[CH.MOHD SHARIEF TARIQ]
MEMBER (JUDICIAL)

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