

IN THE NATIONAL COMPANY LAW TRIBUNAL,  
SINGLE BENCH, CHENNAI

**CP/164/(252)/2017**

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

In the matter of

**M/s. S&S Modern Plastics Private Limited**

**Vs.**

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

*Order delivered on 5<sup>th</sup> of December, 2017*

CORAM

**CH. MOHD SHARIEF TARIQ, MEMBER (JUDICIAL)**

*For Applicant(s)*

*: Mr. S. Saraskumar, PCS*

*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 11.10.2017 under Section 252 (3) of the Companies Act, 2013 by the Applicant Company viz., M/s. S&S Modern Plastics Private Limited having CIN No. U25206TN2005PTC055478 and its Registered Office is situated at No.3, Golden Shore, Avenueakkarai, Chennai – 600 119. 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 24.02.2005 under the Companies Act, 1956. The Authorised Share Capital of the Applicant Company is Rs.5,00,000/- divided into 500 equity shares of Rs.1000/- each. The issued, subscribed and paid-up capital is Rs.5,00,000/- divided into 500 equity shares of Rs.1000/- each. The main object of the Applicant Company is to manufacture, process, repair, buy and sell, resell, export, market and deal in all kinds of plastics, polythene, polyethylene, various polymer, polystyrene and all kind of plastic goods; dealers in all kinds of moulded extruded and otherwise fabricated rubber products and spares for all industrial domestic and commercial purpose and to buy, sell, stock, distribute,

export and import all types of plastic rubber and allied products.

3. It has been submitted that the Applicant is a private limited company and is very much in continues operation since the date of its incorporation. However, due to oversight, no necessary compliances were made with the provision of the Companies Act, for the years 2012 to 2016, 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 04.11.2017 wherein it has been stated that the Applicant Company has not filed its Balance Sheets and Annual Returns upto date, 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 15<sup>th</sup> -21<sup>st</sup> 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 representative appearing on behalf the Applicant and the Counsel for the RoC, and perused



the record. Keeping in view the facts and circumstances involved in the case and the submissions made by the representative for the Applicant and the Counsel for 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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