

**IN THE NATIONAL COMPANY LAW TRIBUNAL,
SINGLE BENCH, CHENNAI**

CP/201/(252)/2017

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

In the matter of

**M/s. Land Marvel Investment India Private Limited
Vs.
The Registrar of Companies, Tamilnadu, Chennai**

Order delivered on 16th of December, 2017


CORAM

CH. MOHD SHARIEF TARIQ, MEMBER (JUDICIAL)


*For Applicant : Mr. M.Rathinakumar, 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 03.11.2017 under Section 252(3) of the Companies Act, 2013 by the Applicant Company viz., M/s. Land Marvel Investment India Private Limited (formerly known as "M/s. Land Marvel Capitaland India Private Limited") having CIN No. 

U45203TN2007PTC064894. The Registered Office of the Applicant Company is situated at Old No. 5, New No. 9, First Cross Street, Kasturbai Nagar, Adyar, Chennai – 600 020. 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 and to rectify the master data by modifying the status from Strike off to Active within the specific time; to place the name of the Company in the same position and to file all the pending financial statements and annual returns with RoC and comply with the requirements of the Companies Act, 2013.

2. The Applicant is a private limited company and was incorporated on 26.09.2007 under the Companies Act, 1956. The Authorised Share Capital of the Applicant Company is Rs.5,00,000/- divided into 5,000 equity shares of Rs.100/- each. The issued, subscribed and paid-up capital is Rs.5,00,000/- divided into 

5,000 equity shares of Rs.100/- each. The main object of the Applicant Company is to purchase and sell land and building or otherwise acquire, develop promote and construct immovable properties, construction of residential houses, apartments, flats, cottages, factories, hotels and commercial building, etc.

3. It has been stated that after incorporation, the Applicant Company has been continuing its business operations. The Applicant Company failed to file the Financial Statements and Annual Returns for the period from 2013-2014 onwards. Therefore, the notice for removal of name of a Company (STK 5) on 07.04.2017 and notice of striking off and dissolution (STK 7) on 05.07.2017 were issued through website www.mca.gov.in by the Respondent under Sections 248(1) and 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 subsequent 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 14.12.2017 wherein it has been stated that the Applicant Company has filed Annual Return as well as Balance Sheet upto the financial year 2012, before initiating action under Section 248 of the Companies Act, 2013. 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 15th -21st of July, 2017. It has further been stated that the Applicant Company may be directed to give an undertaking stating that the Accounts of the Company was not used as means to transact tainted money during the period of demonetization and to file all pending financial statement and Annual Returns with such costs as deemed fit and proper.

6. Heard the representative appearing on behalf of the Applicant and 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 appearing on behalf of 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 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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