

NATIONAL COMPANY LAW TRIBUNAL  
SINGLE BENCH  
CHENNAI

30

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI  
NATIONAL COMPANY LAW TRIBUNAL, HELD ON 19/12/2017 AT 10.30 AM

PRESENT: SHRI Ch. MOHD SHARIEF TARIQ, MEMBER-JUDICIAL

APPLICATION NUMBER :

PETITION NUMBER : CP/197/2017

NAME OF THE PETITIONER(S)

SHIVRAM AUXILIARY SERVICES  
: ~~KEANU CONSULTANCY PVT LTD~~ O. Ltd,

NAME OF THE RESPONDENT(S)

: ROC, CHENNAI

UNDER SECTION

: 252

S.No. NAME (IN CAPITAL)

DESIGNATION

SIGNATURE

REPRESENTATION BY WHOM

1. PRIYA KANNAN

PETITIONER

2. S. SREETHAR

Dynell

IN THE NATIONAL COMPANY LAW TRIBUNAL,  
SINGLE BENCH, CHENNAI

**CP/197/(252)/2017**

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

In the matter of

**M/s. Shivram Auxiliary Services Private Limited**

**Vs.**

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

*Order delivered on 19<sup>th</sup> of December, 2017*

CORAM

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

*For Applicant(s)*

*: Ms. Priya Kannan, PCS*

*For RoC*

*: Mr. Sridhar, Dy. RoC*

**ORDER**


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

1. Under consideration is a Company Application that has been filed on 13.11.2017 under Section 252 (3) of the Companies Act, 2013 by the Applicant Company viz., M/s. Shivram Auxiliary Services Private Limited having CIN No. U74140TN2006PTC060427 and its Registered Office is situated at No.87/5, Kalpatharu

Santhome High Road, R.A. Puram, Chennai-600 028.

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 04.07.2006 under the Companies Act, 1956. The Authorised Share Capital of the Applicant Company is Rs.1,00,000/- divided into 10,000 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 provide business auxiliary services to both international and domestic business entities such as production process control, finance control, rendering services relating to procurement and marketing, specific to Health Industry etc.




3. It is submitted that the Applicant is a running company, however, the official with whom the Company had entrusted the responsibility of filing the statutory returns have not fulfilled the promise within the time stipulated, with the Registrar of Companies, 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. Mr. B. Sridhar, Dy. RoC has filed the report today i.e. 19.12.2017 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 is also averred that the financial position of the Applicant Company as per the balance sheet as on 31.03.2010, the amount shown in 'reserves and surpluses' is Rs.22,30,741.41p. However, the Dy. RoC has finally stated that this Tribunal may consider the Application on merits and pass such order as deemed fit and proper with such costs.

6. Heard the PCS appearing on behalf the Applicant and the Dy. RoC in person, and perused the record. 

Taking into consideration the facts and circumstances involved in the case and the submissions made by the PCS for the Applicant and the Dy. 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 concerned 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.

P.ATHISTAMANI

  
**[CH.MOHD SHARIEF TARIQ]**  
MEMBER (JUDICIAL)