

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

CP/168(252)/2017

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

In the matter of

**M/s. Fine Metal Stamping Private Limited
(CIN: U28990TN2009PTC073475)**

V/s

The Registrar of Companies, Chennai

Order delivered on: 29.12.2017

CORAM

**K. ANANTHA PADMANABHA SWAMY, MEMBER (J)
S. VIJAYARAGHAVAN, MEMBER (T)**

For Petitioner: Shri. P. Hari Babu, Advocate.

For Respondent: Shri. B.Sarath Babu, Advocate.

For ROC, Chennai

ORDER

Per: K. ANANTHA PADMANABHA SWAMY, MEMBER (J)

1. This is an Company Petition No.168(252)/2017 filed under Section 252(3) of the Companies Act, 2013 (hereinafter called as the 'Act') filed by M/s. Fine Metal Stamping Private Limited, seeking a direction to The Registrar of Companies, Chennai, (the RoC), to restore the Company in the Register of Companies.
2. Brief averments of the Petition are that the Company was incorporated on 10.11.2009 in the State of Tamilnadu and the Authorised Share Capital of the Company is Rs.1,00,000/-

divided into 10,000 equity shares of Rs.10/- each and the paid up capital of the Company is Rs.1,00,000/- divided into 10,000 equity shares of Rs.10/- each. The Company is engaged in the business of manufacturers, process, convert, assemble, produce, buy, sell or otherwise deal in all kinds of industrial components and accessories, more particularly the metal press components, parts and accessories for automobile industries and other consumer durable product manufacturers, etc., mentioned in clause III(1) & B of its Memorandum of Association of the Company.

3. The Company has filed its Balance Sheets and Annual Returns up to the financial year 2012-2013. After that, the Company did not file the Balance Sheet and Annual Returns for the financial years 2013-14 to 2015-2016. The reason given by the Company for non-filing of returns is only due to inadvertence. The Petitioner further submitted that with a view to expand its operations the company made an attempt to file the Balance Sheet and Annual Returns and other Statutory Returns for the past years through the website of the Ministry of Corporate Affairs, Government of India, Viz., www.mca.gov.in. However, it was found that the said website was unable to accept the documents/returns which were being filed by the company and on scrutiny of the Companies matter data

available at the website revealed the status of the company as “Strike off”. (Copy of the Companies Master data enclosed at list 9(f). on further enquiry at the office of the Respondent, the Petitioner company was informed that the name of the Petitioner Company had been struck off from the register under section 248 of the Companies Act, 2013, with effect from 15.07.2017 and the notice of the same also has been published in the Gazette of India Edition No. 28 dated 15.07.2017(Page No. 14653 and SL No. 4939. The relevant copy of Gazette publication enclosed as list 9(e).

4. The RoC has issued notice under Section 248 of the Act, 2013 and the Company has stated that it did not receive the same. The RoC subsequently, struck off the name of the Company from the Register of Companies and the Company came to know the same only from the website of the Ministry of Corporate Affairs, the Notice of Striking off bearing No.ROC/CHN/STK-7/1/2017 dated 15.07.2017 issued by the RoC under Section 248(5) of the Act. The Company is still carrying on its business and its activities and therefore the present Petition is filed for restoring the name of the Company in the Register of Companies.
5. The RoC who is Respondent herein has filed the Report wherein it has mentioned the details of the Company such as

incorporation, address of the registered office and its main objects as per the Memorandum of Association. The Petitioner Company has failed Balance Sheets and the Annual Returns from financial years 2013-2014 to 2016-2016. Action has been taken under Section 248 of the Act was initiated by striking off the name of the Company from the Register of Companies and consequently the struck off notice was published in the Gazette of India dated 15th – 21st July, 2017 in page No.14653 under S.No.4939. The RoC inter-alia mentioned in his Report that the Company be directed to file an undertaking stating that the accounts of the company was not used as means to transact tainted money during the period of demonetisation.

6. By submitting the above facts the RoC has stated that the Petition may be considered on merits and to direct the Petitioner Company to file all pending financial statements and annual returns and pass order levying cost on the Petitioner Company.
7. Heard. Perused pleadings and the documents filed in support of the contention of the both parties.
8. The Petitioner has submitted that the Applicant Company failed to comply with the statutory requirements like filing of Financial Statements and Annual Returns from the year 2013-

2014 onwards due to inadvertence. For the said non-compliance, the RoC has issued the notice bearing No. RoC/CHN/STK-7/1/2017 dated 15.07.2017 “Striking off and dissolution”. The Petitioner has also submitted that show cause notice issued by the RoC has not been received by the Company. In these circumstances, being aggrieved by the action of striking off the name of the Company from the Register of Companies, the present Petition is filed.


ORDER

1. Having satisfied with the reasons mentioned above, we are of the opinion that it would be just and proper to order **restoration of the name of the Company in the Register of Companies.**
2. The Company shall file all the pending financial statements and Annual Returns with RoC as per the Act and Rules made thereunder besides filing an Affidavit stating that the Company was not involved in money laundering activities during demonetization period or any unlawful activities during the relevant period. Further I direct the Petitioner Company to pay **the cost of Rs. 10,000/-** (Rupees Ten Thousand Only) which is imposed on the Petitioner Company which has to be paid to the Registrar of

Companies as per the procedure prescribed for reimbursing the expenses for processing the file for restoring the Company in the register of RoC. Accordingly, the **application is allowed.**

3. The RoC is directed to restore the Company in the Register of Companies. The Petitioner is directed **to place this order with RoC within 30 days** from the date of receipt of this Order.

4. Accordingly, the amended Company Petition No.168/(252)/2017 stands **disposed of.**


(S.VIJAYARAGHAVAN)
MEMBER (TECHNICAL)

TJS


(K.ANANTHA PADMANABHA SWAMY)
MEMBER (JUDICIAL)