

**IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH (COURT- I) CHENNAI**

ATTENDANCE CUM ORDER SHEET OF THE HEARING
HELD ON **19.07.2024** THROUGH VIDEO CONFERENCING

PRESENT: HON'BLE SHRI. SANJIV JAIN, MEMBER (JUDICIAL)
HON'BLE SHRI. VENKATARAMAN SUBRAMANIAM, MEMBER (TECHNICAL)

APPLICATION NUMBER :
PETITION NUMBER : CP/73(CHE)2022
NAME OF THE PETITIONER(S) : M R Dream Technologies Pvt Ltd
NAME OF THE RESPONDENTS : ROC, Chennai
UNDER SECTION : Sec 252 of CA, 2013

ORDER

Present: Ld. Counsel Shri. Mohan for the Petitioner.

None for the Respondent.

Vide order pronounced in the Open Court, the appeal is allowed and the Company M R Dream Technologies Pvt Ltd is restored subject to cost of Rs.2,00,000/-.

File be consigned to records.

Sd/-

(VENKATARAMAN SUBRAMANIAM)
MEMBER (TECHNICAL)

MG

Sd/-

(SANJIV JAIN)
MEMBER (JUDICIAL)

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

CP/73/CHE/2022

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

In the matter of *MR Dreams Technologies Private Limited*

Mr. MAHENDRAN, SHAREHOLDER

Representing MR DREAMS TECHNOLOGIES PRIVATE LIMITED,

Having registered office at No.19,
First Main Road, Second Cross Street,
Kavaimagal Ngar, Ekkattuthangal,
Chennai – 600 032

... Petitioner

-Vs-

REGISTRAR OF COMPANIES, COIMBATORE

Block No.6, B Wing,
2nd Floor, Shastri Bhawan, 26,
Haddows Road, Chenani – 600 034

... Respondent

Order pronounced on 19th July, 2024

Present:

For Applicant :N.Mohan, Advocate

For Respondent:Avinash Krishnan Ravi, Advocate

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SANJIV JAIN, MEMBER (JUDICIAL)

VENKATARAMAN SUBRAMANIAM, MEMBER (TECHNICAL)

ORDER

(Hearing Conducted through VC)

This Company Petition has been filed by **Mahendran** in the capacity as a Shareholder of the Company namely, **MR DREAMS**

TECHNOLOGIES PRIVATE LIMITED under Section 252(3) of the Companies Act, 2013 aggrieved against the order of strike off carried out by the Respondent namely, the Registrar of Companies, **Chennai** under Section 248 of the Companies Act, 2013, seeking thereof to restore the name of the Company in the Register maintained by the Respondent/RoC.

2. The brief facts of the matter are tabulated below:-

S. NO.	PARTICULARS	FACT
a)	Name of Company	MR Dreams Technologies Private Limited
b)	CIN No.	U74999TN2015PTC101031
c)	Date of Incorporation	19.06.2015
d)	Registered Office Address	No.19, First Main Road, Second Cross Street, Kalaimagal Nagar, Ekkattuthangal, Chennai – 600 032
e)	Date of STK-5	02.08.2019
f)	Reason of Strike Off	The Company has not filed the Statutory returns for the financial years 2015-2016, 2016-2017 and 2017-2018

3. The main object of the Company is *to provide information technology to any person, firm, company, trusts, association, institution, society, body corporate, government or government department, public or local authority in India and outside India, in the field of information technology and related areas and/or to develop procedures, methods, and principles for, and engage in research relating thereto to carry on the business of designers and*

manufacturers, buyers, sellers. assemblers, exporters, importers, distributors, agents, hirers, and dealers of and as maintenance and service engineers, and system engineers, of mainframe, mini, micro and personal computer systems and process control systems and computer peripherals and accessories including floppy disk drives, hard disk drives, printers, readers, tape drives, cartridge, plotters, magnetic or otherwise, re-cording heads, CRT terminals and display systems, cables, interfaces, computer ribbons, stationery, furniture and control valves, instruments, transducers, recorders, measuring devices and computer hardware including large systems, mini, micro systems and personal computers and process control systems and hardware in computer and electronics etc.,.

The details of the main object are set out in the Memorandum of Association which has been filed along with the typed set of documents.

4. The reason for non-filing of returns is that the accounts of the petitioner company were prepared and audited, and the company had engaged the services of an Auditor to perform the task of filing the returns with the office of the Registrar of Companies. But the Auditor has not filed at that time. It is stated that the Company was struck off on 02.08.2019.

5. It is stated that financial statements which are audited and filed with this Petition evince that the Company is engaged in business and holds prominent assets, however it agreed that the Company omitted to file the respective returns with the Respondent.

6. Upon notice, the Respondent/RoC filed the Report. It is stated that the Company has not filed financial statements as per the provisions of the Companies Act, 2013 for the financial years 2015-16, 2016-2017 & 2017-2018.

7. It is stated that the RoC has no objection in restoring the name of the company back to the Register of Companies subject to the following:

a) The subject company may kindly be directed to prove that, it was carrying on business or was in operation and that it is just that the name of the company be restored to the register.

b) The subject company may kindly be directed to file all pending financial statements and annual returns till date within specified time in case the prayer is granted.

c) The shareholders of the subject company may kindly be directed to give an undertaking stating that, the accounts of the company were not used as means to transact tainted money during the period of demonetization.

d) To pass such order which does not entitle the petitioner and other directors of the subject company to use this order before any legal forum to remove the disqualification incurred upon them if any as per Section 164 of the Companies Act, 2013.

e) To pass such other orders as deemed fit and proper in the circumstances of the case.

8. We have considered the plea of the Petitioner and the Respondent/RoC as well.

9. The Petitioner is seeking restoration of the name of the company in the register as maintained by RoC. In order to sustain the said plea, the Petitioner has placed the followings as Annexures in the Petition typeset:

- a) Copy of List of Shareholders
- b) Copies of the Income Tax Return Acknowledgement
- c) Copies of the Balance Sheet, Profit and Loss Account as at 31.03.2016, 31.03.2017 & 31.03.2018

10. It is seen from the Income Tax Return Acknowledgement for the Assessment Years 2018-2019 & 2019-2020 that the Company has filed Income Tax Returns. It is manifestly clear from the Income Tax Return acknowledgement for the Assessment Years 2018-2019 & 2019-2020 that the company is carrying on its business.

11. From the documents annexed along with the Petition it is seen that the Company was active and carrying on its business activities two years preceding the date of strike off.

12. Taking into consideration the provisions of Section 252 of the Companies Act, 2013 which vests this Tribunal with a discretion to restore the Company whose name has been struck off, keeping in consideration that it is just to do so, we restore the name of the Company in the register. The Petition is allowed subject to the following directions namely:

- (i) The Registrar of Companies/Respondent is ordered to restore the original status of the Company viz. **MR DREAMS TECHNOLOGIES PRIVATE LIMITED** as if the name of the Company has not been struck off from the Register of Companies with resultant and

consequential actions like changing the status of Company from “**strike off**” to “**Active**”

- (ii) The Company shall within a period of 30 days from the restoration of the Company’s name in the register being maintained by the RoC, the Applicant/ petitioner will file *inter alia* its annual returns and balance sheets as well other compliances statutorily required to be made under the Companies Act, 2013 for the period from which there has been default with requisite charges/fees as well as additional fee/late charges.
- (iii) That the Restoration of the Company’s name is also subject to the payment of cost of **₹2,00,000/- (Rupees Two Lakhs Only/-)** volunteered by the Petitioner through online payment in www.mca.gov.in under miscellaneous fees by mentioning the particulars as “payment of cost for revival of Company”.
- (iv) Till all compliances are made by the Company, the Company shall not alienate or dispose of any of its valuable assets.
- (v) It is further observed that by virtue of this order of restoration of the name of Company in the register it will not entitle the Directors of the Company whose names in case have been disqualified by virtue of provisions of Section 164 of the Companies Act, 2013 by the Respondent/RoC automatically to be restored to directorship except in accordance with law.
- (vi) An affidavit of compliance of the aforesaid directions shall be filed by the Petitioner within a period of 2 months from the date of this order.
- (vii) Further, this order allowing the Petition shall also not circumscribe the power of the respondent to proceed against the Petitioner Company and its Directors as mandated for alleged late filing of any forms, documents, returns and such other compliance under the provisions of Companies Act, 2013.

13. Accordingly, **CP/73/CHE/2022** stands **allowed** on the
aforementioned terms.

14. File be consigned to records.

Sd-

VENKATRAMAN SUBRAMANIAM
MEMBER (TECHNICAL)

SriramAnanth.V

-Sd

SANJIV JAIN
MEMBER (JUDICIAL)