

**NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH
COURT – IV**

37. CA 600/2022
In
CP/279(MB)2021

CORAM:

SHRI MANOJ KUMAR DUBEY
MEMBER (Technical)

SHRI KISHORE VEMULAPALLI
MEMBER (Judicial)

ORDER SHEET OF THE HEARING HELD ON **21.11.2022**

Name of the Parties: Shree Sai Samarth Realty Private Limited
Vs
Registrar Of Companies (Roc) Goa Daman & Diu

SECTION 230-232 OF COMPANIES ACT, 2013

ORDER

The Court is convened through Video Conference.

CA 600/2022

1. Mr. Ahmed Chunawala, Ld. Counsel for the Applicant present.
2. This is an Application filed for restoration of company Petition C.P. 279/2021, which is dismissed on account of non-prosecution vide order dated 06.05.2022.
3. Ld. Counsel for the Applicant submits that due to incorrect entry in Advocate diary, he is not able to appear on that day.
4. This Bench considered the request of the Applicant and hence **C.A. 600/2022** is allowed and CP is restored to its original number.

CP/279(MB)2021

1. This Company Petition is filed by Mr. Purshottam P. Chari on behalf of Shree Sai Samarth Realty Private Limited (CIN: U70101GA2008PTC005910), under Section 252(1) of the Companies Act, 2013 praying for restoration of the name of the

Company to the Register of Companies maintained by the Registrar of Companies.

2. The Petitioner submits that the company was incorporated on 21.09.2008 under the Companies Act, 2013 as a limited company by shares with the Registrar of Companies.
3. The grievance of the Petitioner Company is that the Respondent, Registrar of Companies, Goa, Daman & Diu, struck off the name of the Petitioner Company from the Register of Companies maintained by them by issuing notice in Form STK-1, STK-5 and STK-7 under section 248(4)(1) for removal of the name of the Company from the Register of Companies under section 248(1) of the Companies Act, 2013 and rule 3 of the Companies (Removal of Names of Companies from the Register of Companies) Rules, 2016 due to defaults in statutory compliances, namely, failure to file Financial Statements and Annual Returns and failure to do business for more than two years.
4. The Petitioner Company submits that the Company has been functioning since its incorporation. As submitted by the Ld. Authorised Representative appearing for the Petitioner company, the Company did not file the Annual Returns and Balance Sheet of the company with the RoC 2010-11 to 2021-22 due to inadvertence.
5. The Petitioner Company has enclosed the Audited Accounts for the Financial Years from 2010-11 to 2019-20.
6. The Respondent has filed its report and reiterates that the name of the Company was struck off as the company was not carrying on any business or operation for a continuous period of more than two years.

7. On hearing the submissions of the Ld. Counsel appearing on behalf of Petitioner and on perusal of the Report of Registrar of Companies, the Audited/Unaudited Accounts submitted by the Petitioner Company and other documents placed on record, the Bench is of the considered view that the company is fit for restoration.
8. Given the above facts and circumstances, we are satisfied that the prayer sought by the Petitioner company deserves to be allowed.
9. Accordingly, Company Petition bearing No.: C.P. 279(MB)/2021 filed by the Petitioner under section 252 of the Companies Act, 2013, seeking restoration of the Company's name in the Register of Companies maintained by the Registrar of Companies, Goa, Daman & Diu is **allowed** on the following terms :-
 - (a) The Respondent Registrar of Companies, is directed to restore the name of the Petitioner Company, *viz.*, Shree Sai Samarth Realty Private Limited, to the Register of Companies subject to payment of a sum of Rs.**3,25,000/-** (Rupees Three Lakh Twenty Five Thousand only) as cost to be paid online through *Bharatkosh* in favour of "Pay and Accounts Officer, Ministry of Corporate Affairs, Mumbai" within thirty days from the date of receipt of a copy of this Order; and
 - (b) Upon such restoration, the Petitioner Company shall file all its pending financial statements and Annual Returns with all the applicable fees and late fees with the Respondent Registrar of Companies within thirty (30) days from the date on which the name of the Company is restored to the Register;

failing which, this order will stand vacated automatically.

10. Upon restoration of the name of the Petitioner Company to the Register of Companies after complying with the terms mentioned above, the Registrar of Companies shall issue appropriate communications to the bank authorities for de-freezing the accounts of the Petitioner Company.

Sd/-
MANOJ KUMAR DUBEY
Member (Technical)
/NP/

Sd/-
KISHORE VEMULAPALLI
Member (Judicial)

