

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
MUMBAI BENCH, COURT-V**

**C.P. No. 182/MB/2021**

Under Section 252(1) of Companies Act,  
2013

In the matter of

**PRADEEP ASSARDAS MOTWANI**

**Represented as Ex-Director**

Having its address at plot no.3/a, Room  
No. 205, Satnam Society, Sion (West)  
Mumbai-400023.

... Petitioner

V/s.

**THE REGISTRAR OF COMPANIES, MUMBAI**

100, Everest, Marine Drive, Mumbai,  
Maharashtra Pin- 400002.

... Respondent

**Order Dated: 01.05.2024**

**Coram:**

**Madhu Sinha**

**Reeta Kohli**

**Hon'ble Member (Technical)**

**Hon'ble Member (Judicial)**

**Appearance:**

**For the Applicant:** Adv. Sahil Mahajan (VC)

**For the RoC:** Ms. Rujuta Bankar (VC)

**ORDER**

1. The present Petition has been filed under Section 252(1) of the Companies Act, 2013 (hereinafter as to Act) by “Pradeep Assardas Motwani” represented by its Ex-Director, seeking restoration of the name of the company in the Register of Companies maintained by the Registrar of Companies, Mumbai.
2. The name of the Company was struck off from the Register of companies on account of the reason that the Company had defaulted in filing its statutory returns for a continuous period of more than two years. The ROC published a public notice for striking off the name of the company by issuing STK-5 dated 09.05.2017.

**Submissions by the Petitioner:**

3. It is submitted by the petitioner that the company was incorporated on 01.08.1996 under the Companies Act, 1956. The name of the Company was struck off from the Register of Companies because the Company had defaulted in filing its Annual Return and Balance Sheet with the Registrar of Companies due to inadvertence. of the Companies Act 2013.
4. It is submitted that the company was incorporated on 1.08.1996 with the ROC, Mumbai. The Company has filed its balance sheet till 31.03.2014. It is further submitted that since the last five years due to recession in the real estate market, the Company is not doing any business.
5. The Provisional balance sheet of the Company for the FY 2015-2016, 2016-2017, 2017-2018, 2018-2019 and 2019-2020 are ready to be submitted with the Respondent.

**Submissions by the Respondent/ROC:**

6. The Respondent/ ROC has filed a detailed report with this Tribunal explaining the sequence of events leading to the striking off of the company. It is stated that the petitioner failed in filing the Form INC 20A from for a period of more than two years. The Respondent issued notice in forms STK-1 to the Company and its director informing the intention of the Registrar to strike off the name of the company.
7. The Respondent has further submitted that a public notice vide STK-5 dated 09.05.2017 was published on the website maintained by the Ministry and published in Official Gazette in leading English Newspaper (Times of India) and a vernacular language newspaper (Maharashtra Times-Marathi) seeking objections against the proposed striking off of the name of company.
8. The Respondent has further submitted that in absence of any representation against the proposed strike off action, the Registrar struck off the name of the company on 07.07.2017 and the dissolution order was published on the website of the Ministry vide STK 7 on 19.07.2017.

**Findings:**

9. The facts and circumstances of the case show that the Company is willing to file the Annual Returns for FY 2015-2016, 2016-2017, 2017-2018, 2018-2019 and 2019-2020 which are required to be filed, if so permitted.
10. The Petitioner has enclosed the Statement of Bank Account of the Company for FY 2015-2016, 2016-2017, 2017-2018, 2018-

2019 and 2019-2020 with the Petition to demonstrate that the Company is in continuous operation.

11. Upon considering the facts and circumstances of the present Appeal, this Bench observed that the appeal has been filed after a period of 5 years by the Ex-Director Pradeep Assardas Motwani in the Tribunal as per the provision 252(1) of the Companies Act 2013. Considering that the company is in continuous operation and ready to make good the non-compliance. This bench is of the view that it would be just and proper to order restoration of the name of the Company in the Register of Companies maintained by the ROC.

### **ORDER**

12. Accordingly, this Appeal is allowed. The restoration of the Company's name to the Register of Companies maintained by the ROC is hereby ordered, subject to payment of **costs of Rs. 25,000/- per Financial year for non-compliance, i.e. from the year 2015-2016 till 2019-2020 i.e. 5 Financial years, therefore (25,000 x 5 years= 1,25,000/-) total amounting to Rs. One Lakh Twenty-five Thousand Only to be deposited in "PM Relief Fund"** in the account of 'Bharatkosh'. The company shall undertake to abide by the provision of Companies Act 2013. Consequentially thereupon the Bank Account(s), if freezed, shall get defreezed and can be operated by the Company.
13. The Registrar of Companies, Mumbai is directed to give effect of this Order only after perusal of the Compliance report<sup>1</sup>, in respect of the costs imposed. The Company is directed to file all the required documents and fulfil other relevant statutory

compliances within 30 days from restoration of its name in the Register of Companies maintained by the ROC.

14. Copy of this order to be sent to the ROC Mumbai for necessary compliance.

**SD/-**

**Madhu Sinha**  
**Member (Technical)**  
/Aakansha/

**SD/-**

**Reeta Kohli**  
**Member (Judicial)**