

**IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH**

COURT – IV

41.

APPEAL/04(MB)2024

CORAM:

MS. ANU JAGMOHAN SINGH
MEMBER (Technical)

SHRI KISHORE VEMULAPALLI
MEMBER (Judicial)

ORDER SHEET OF THE HEARING HELD ON **24.04.2024**

NAME OF THE PARTIES: Xtechone Internet Solutions Private Limited
Vs.
Registrar of Companies

SECTION: 252(3) OF THE COMPANIES ACT, 2013.

ORDER

1. Mr. Satyendra Kakade a/w Mr. Neerav N. Nagar, Ld. Authorised Representative appeared on behalf of the Petitioner company.
2. This Company Petition is filed by its Shareholders/Directors on behalf of Xtechone Internet Solutions Private Limited, (CIN: U64200MH2021PTC353535), under Section 252(3) 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, Mumbai, Maharashtra.
3. The Petitioner submits that the company was incorporated on 14.01.2021 under the Companies Act, 1956 as a private company limited by shares with the Registrar of Companies, Mumbai, Maharashtra. There are two Directors in the company viz. Shri. Laxmikant Govindalal Rathi (DIN: 09030633) and Shri. Vishnukumar Angadrao Halkare (DIN: 09030634) as per MCA Master Data.
4. The grievance of the Petitioner Company is that the Respondent, Registrar of Companies, Maharashtra, Mumbai struck off the name of the Petitioner Company on 01.10.2022 from the Register of Companies

maintained by them by issuing notice in Form STK-1 dated 22.07.2022, STK-5 dated 13.09.2022 and STK-7 dated 17.12.2022 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.

5. The Petitioner Company submits that the Company has been functioning since its incorporation. As submitted by the Ld. Authorised Representative for the Petitioner company, the Company did not file the Annual Returns and Balance Sheet of the company with the RoC from 2021, due to inadvertence. The MCA data shows that the Company did not file the Balance Sheet of the company since 2021. Even while considering the defaults as submitted by the Petitioner company and taking into consideration further delay in filing the present Petition, total years of default three (3) years.
6. The Petitioner Company has enclosed the Audited Accounts for the Financial Years 2021-22 to 2022-23.
7. On hearing the submissions of the Ld. Authorised Representative on behalf of the Petitioner and on perusal of the Report of Registrar of Companies, Maharashtra, Mumbai, 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 deserves to be restored.
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 Appeal No.04 of 2024 filed by the Petitioner, Xtechone Internet Solutions Private Limited, represented by its

Shareholders/Directors 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, Maharashtra, Mumbai is **allowed** on the following terms:-

10. The Respondent Registrar of Companies, Maharashtra, Mumbai, is directed to restore the name of the Petitioner Company, viz., *Xtechone Internet Solutions Private Limited*, to the Register of Companies subject to payment of a sum of Rs.75,000/- (Rupees Seventy 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 (30) days from the date of receipt of a copy of this Order; and
11. 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.
12. 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, Maharashtra, Mumbai, shall issue appropriate communications to the bank authorities for de-freezing the accounts of the Petitioner Company.

Sd/-
ANU JAGMOHAN SINGH
Member (Technical)

Sd/-
KISHORE VEMULAPALLI
Member (Judicial)