

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

17. APPEAL/7(MB)2024

CORAM:

MS. ANU JAGMOHAN SINGH  
MEMBER (Technical)

SHRI KISHORE VEMULAPALLI  
MEMBER (Judicial)

ORDER SHEET OF THE HEARING HELD ON **18.04.2024**

Name of the Party: S K Flooring Pvt. Ltd.  
Vs.  
Registrar of Companies Mumbai

Section 252(3) of Companies Act, 2013

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**ORDER**

1. Mr. Ashish O. Lalpuria, Ld. Authorised Representative for the Petitioner present through physical mode. Mr. Pranav Agja, Ld. Authorised Representative for the RoC present through virtual mode.
2. This Company Petition is filed by Mr. Jayesh Subhash Iyer, on behalf of S K Flooring Private Limited, CIN: U26933MH1983PTC030704, 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.
3. The Petitioner submits that the company was incorporated on 27.08.1983 under the Companies Act, 1956 as a Private Company Limited by shares with the Registrar of Companies, Mumbai.
4. The grievance of the Petitioner Company is that the Respondent Registrar of Companies, Maharashtra, Mumbai 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 dated 15.05.2017 and STK-7 dated 28.07.2017 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.

5. The Petitioner Company submits that the Company has been functioning since its incorporation. The Petitioner Company further submits that the Company has failed to file its Financial Statements and Annual Returns Financial Years March, 2011 to March, 2017, due to inadvertence.
6. The Petitioner Company has enclosed the Audited Accounts for the Financial Years 2019-20 to 2022-23.
7. The Respondent has filed his 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 period of immediately preceding two years.
8. In view of aforesaid submission(s) made by the Ld. Authorised Representative for the Petitioner Company and on perusal of the Report of Registrar of Companies, Maharashtra, Mumbai, the Audited Accounts submitted by the Petitioner Company and other documents placed on record, the Bench observes that it would be just, equitable and in the interest of justice to provide an opportunity to the Company to rectify its defaults and continue the business.
9. In view of the aforesaid facts and circumstances, we are satisfied that the prayer sought by the Petitioner company deserves to be allowed.
10. Accordingly, Company Petition Bearing APPEAL/7(MB)2024 filed by the Petitioner, Mr. Jayesh Subhash Iyer (Director & Shareholder), 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: -

- a. The Respondent Registrar of Companies, Maharashtra, Mumbai, is directed to restore the name of the Petitioner Company, *viz.*, S K Flooring 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 Bharat Kosh A/c 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 days from the date on which the name of the Company is restored to the Register; failing which, this order will stand vacated automatically.
11. 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 defreezing the accounts of the Petitioner Company.

Sd/-

**ANU JAGMOHAN SINGH**  
**Member (Technical)**

/Dubey/

Sd/-

**KISHORE VEMULAPALLI**  
**Member (Judicial)**