



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.

5. The Petitioner Company submits that the Company has not functioning since its incorporation. As submitted by the Ld. Counsel appearing for the Petitioner company, the Company did not file the Annual Returns and Balance Sheet of the company with the RoC since incorporation. The Petitioner Company has been struck off by RoC on 13.07.2017. Even while considering the defaults as submitted by the Counsel, there is a default of seven (04) years till striking off the Company. Taking into consideration further delay of four (4) years in filing the present Petition, total years of default is 08 years.
6. The Petitioner Company has enclosed the Audited Accounts for the Financial Years from 2013-14 to 2020-21.
7. The Petitioner Company has not enclosed copies of the Acknowledgement of Income-Tax Returns filed with the Income-Tax Authorities for the Assessment years 2013-14 to 2020-21.
8. 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. Also, confirms that no filing is done since incorporation of the Company. Also, observed

that if the Petitioner proves that it is carrying business, this Tribunal at its discretion, may allow the petition imposing exemplary costs.

9. Taking into consideration the above facts and circumstances including the observations made by the RoC in its report, we are taking a lenient view towards the prayer sought by the Petitioner company and considering to allow the Petition.
10. Accordingly, Company Petition bearing No.: CP-44/252(3)/MB/2021 filed by the Petitioner, Soham Forging And Machining Private Limited, represented by its Director; Mr. Yogesh Venunath Ambekar, 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, Pune, is **allowed** on the following terms:-

- (a) The Respondent Registrar of Companies, Maharashtra, Pune, is directed to restore the name of the Petitioner Company, *viz.* Soham Forging And Machining Private Limited, to the Register of Companies subject to payment of a sum of Rs.4,00,000/- (Rupees Four Lakh 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.

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, Pune, shall issue appropriate communications to the bank authorities for de-freezing the accounts of the Petitioner Company.

Sd/-

**MANOJ KUMAR DUBEY**  
**Member (Technical)**

Sd/-

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