Tutri Ventures Private Limited Vs ROC, Mumbai

Company Petition No. 1151/252(3)/MB-IV Of 2020

Court: National Company Law Tribunal Mumbai Bench

Date of Decision: Dec. 16, 2020

Acts Referred:

Companies Act, 2013 â€" Section 248(1), 248(4)(1), 252, 252(3)#Companies (Removal Of Names Of Companies From The Register Of Companies) Rules, 2016 â€" Rule 3

Hon'ble Judges: Suchitra Kanuparthi, J; Rajesh Sharma, Member (Technical)

Bench: Division Bench

Final Decision: Allowed

Judgement

The Court is convened through Video Conference.

1. This court convened through video conferencing today. Mr.JagdishShettyLd. Counsel/Authorised Representative appeared on behalf of the

Company.

2. This Company Petition is filed byVenkatraoSatyam Laxminarayanon behalf ofTutri Ventures Private LimitedCIN: U93000MH2010PTC202239,

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 21.04.2010under the Companies Act, 1956 as a private company limited by shares

with the Registrar of Companies, Maharashtra, 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 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 two years.

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 for Financial Year 2014-15 to Financial Year 2018-19due to inadvertence.

6. The Petitioner Company has enclosed the Audited Accounts for the Financial Yearended at 31.03.2015 till Financial Yearended at 31.03.2019. The

Petitioner Company has also enclosed copies of the Acknowledgement of Income-Tax Returns filed with the Income-Tax Authorities for the Year

2015-16 till Year 2019-20.

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. On hearing the submissions of the Learned Authorised Representative appearing on behalf of Petitioner andon 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. Given the above facts and circumstances, we are satisfied that the prayer sought by the Petitioner company deserves to be allowed.

10. Accordingly,Company Petition bearing CP No.1151/252(3)/MB- IV/2020filed by the PetitionerTutri Ventures Private Limited, represented by its

Applicant Venkatrao Satyam Laxminarayan,under section 252 of the Companies Act, 2013, seeking restoration of the CompanyÃ¢â‚¬â„¢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.,Tutri Ventures

Private Limited,to the Register of Companies subject to payment of a sum of Rs.50,000/- (Rupees Fifty Thousand only) as cost Ã¢â‚¬Ëœto be paid online

through Bharat Kosh in favour of Ã¢â‚¬Å“Pay and Accounts Officer, Ministry of Corporate Affairs, MumbaiÃ¢â‚¬Ã¢â‚¬Ëœ 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.