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**(2020) 12 NCLT CK 0151**

**In the National Company Law Tribunal**

**Case No :** Company Petition No. 1156/252(3)/MB-IV Of 2020

Keetakari Impex Private Limited

APPELLANT

Vs

ROC, Mumbai

RESPONDENT

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**Date of Decision :** 07-12-2020

**Acts Referred:**

Companies (Removal Of Names Of Companies From The Register Of Companies)  
Rules, 2016 — Rule 3  
Companies Act, 2013 — Section 248(1), 248(4)(1), 248(5), 252(3), 455

**Citation :** (2020) 12 NCLT CK 0151

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

**Bench :** Division Bench

**Final Decision :** Allowed

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**Judgement**

1. This court convened through video conference today. Ms. Priya Khandelwal, Practicing Company Secretary, appeared on behalf Petitioner Company.

2. This Company Petition is filed by Keetakari Impex Private Limited [CIN: U51909MH2010PTC200597], represented by its Director Mr.

Sureshkumar Umadatta Agarwal [DIN: 01841964], 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 05.03.2010 under the Companies Act, 1956 as a private company limited by shares

with the Registrar of Companies, Maharashtra, Mumbai. Its CIN is U51909MH2010PTC200597]. The Petitioner company has been incorporated to

carry on the following objects:

â??To carry on the business in India or elsewhere as exporters, importers, reexporters, buyers, sellers, transferors, suppliers, merchants, dealers, traders, agents, brokers, factors, distributors, marketers, stockists, processors, assemblers, wholesalers, retailers, contractors, representatives, consultants, graders, job workers, etc.â??

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 and STK-5 dated 19.07.2018 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 for F.Y. 2015-16 and 2016-2017 and for not carrying on any business or operation for a period

of immediately preceding two years and neither made any application within such period for obtaining the status of â??Dormant Companyâ?? under

section 455 of the Companies Act, 2013.

5. Consequently, the Respondent ROC initiated the process under section 248(5) of the Companies Act, 2013 by issuing Public Notice in Form STK-7

Public Notice dated 12.09.2018 and informed the Petitioner Company that the name of the Company has been struck off from the Register of

Companies and the Company has been dissolved.

6. The Petitioner Company further submits that due to striking off the name of the Petitioner Company, the Director Identification Numbers (DIN) of

the directors of the Company have been deactivated.

7. 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 2015-16 and 2016-2017 due to inadvertence.

8. The Petitioner Company has enclosed the Audited Accounts for the Financial years 2015-16 to 2018-2019. The Petitioner Company has also

enclosed copies of the Acknowledgement of Income-Tax Returns filed with the Income-Tax Authorities for the Assessment Years 2016-17 to 2019-

20.

9. On perusal of the report of the Respondent, it appears that the name of the company was struck off due to failure on the part of the company to file

the statutory documents for Financial Year 2015-16 and 2016-2017, and also for not carrying on the business.

10. Upon perusal of the Financial Statements of the Company, it is observed that the Petitioner Company has generated total Revenue to the tune of

Rs.6,38,500.00, has total Expenses of Rs.6,17,999.00 has total Non-Current Assets of Rs.79,56,510.00 and has total Current Assets of Rs.4,69,554.00

for F.Y. 2015-16. The Petitioner Company has generated total Revenue to the tune of Rs.17,35,99,952.00, has total Expenses of Rs.17,31,91,115.00,

has total Non-Current Assets of Rs.84,70,558.00 and has total Current Assets of Rs.4,35,739.00 for F.Y. 2017-18. The Petitioner Company has Long

Term Borrowings of Rs.79,56,510.00 for F.Y. 2016-17 and 2017-18.

11. On hearing the submissions of the Learned Authorised Representative appearing on behalf of Petitioner 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 the Petitioner Company is running its business/operations. It is observed further that, the Petitioner Company has generated revenue, has

Non- Current Assets, Current Assets and Long-Term Borrowings in its Books of Accounts. Therefore, 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.

12. Given the above facts and circumstances, we are satisfied that the prayer sought by the Petitioner company deserves to be allowed.

13. Accordingly, Company Petition bearing CP No. 1156/252(3)/MB- IV/2020 filed by the Petitioner, Keetakari Impex Private Limited [CIN:

U51909MH2010PTC200597], represented by its Director Mr. Sureshkumar Umadatta Agarwal [DIN: 01841964], under section 252(3) 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., Keetakari Impex

Private Limited [CIN: U51909MH2010PTC200597] to the Register of Companies

subject to payment of a sum of Rs.50,000/- (Rupees fifty thousand only) as cost to be paid online through Bharat Kosh 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.

14. 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.