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**(2020) 12 NCLT CK 0108**

**In the National Company Law Tribunal**

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

Tutri Ventures Private Limited

APPELLANT

Vs

ROC, Mumbai

RESPONDENT

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**Date of Decision :** 16-12-2020

**Acts Referred:**

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

**Citation :** (2020) 12 NCLT CK 0108

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

**Bench :** Division Bench

**Final Decision :** Allowed

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**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 2018-19 due to inadvertence.

6. The Petitioner Company has enclosed the Audited Accounts for the Financial  
Year ended at 31.03.2015 till Financial Year ended 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 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. 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/2020 filed  
by the Petitioner Tutri Ventures Private Limited, represented by its

Applicant Venkatrao Satyam Laxminarayan, 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., 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 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.

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.