

THE HIGH COURT OF MEGHALAYA

COM.PET. NO. 9/2013

Nezone Fragrance Pvt. Ltd.

having its registered office at Byrnihat,
Ri Bhoi District, Meghalaya represented
by its Director Smti. Shafia Imam.

:::: Petitioner

-Versus-

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Corporate Affairs, Shastri
Bhawan, Rajendra Prasad Road,
New Delhi – 110 001.

2. The Registrar of Companies,
North Eastern Region, Ministry of
Corporate Affairs, Government
of India, Morello Building,
Shillong – 79 001, Meghalaya.

::: Respondents

BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

For the Petitioner : Mr. K.Khan, Adv.

For the Respondent s : Mr. R.Debnath, CGC.

Date of hearing : **24.04.2014**

Date of Judgment & Order : **24.04.2014**

JUDGMENT AND ORDER(ORAL)

Heard Mr. A.Khan, learned counsel appearing for the
petitioner as well as Mr. R.Debnath, learned CGC appearing for the
respondents.

1. The petitioner in this present petition had asked for a direction to the respondent No.2 to restore the Company's name in the Register of Companies under sub-section (6) of Section 560 of the Companies Act, 1956 vide order dated 26.12.2011 and also for quashing the order dated 15.05.2012, under which the name of the petitioner's-company had been struck off from the Register of Companies.

2. The respondents had filed the affidavit-in-opposition wherein, it is stated that the name of the petitioner's-company had been struck off for non-filing of any Statutory Returns including financial statement (Balance sheet) since financial year ending 31.03.2009 (inclusive) and onwards for 5 consecutive preceding financial years.

3. In para 12 of the affidavit-in-opposition filed by the respondent, it is stated that the respondent have no objection to the restoration of the petitioner's-company's name in the Register of Companies on the conditions mentioned therein. For easy reference para 12 of the affidavit-in-opposition is quoted herein under:

"12. In premises of the aforesaid facts the writ petition deserves to be dismissed. However, considering the merits in the writ petition if any the Hon'ble Court is of the opinion to allow the petition, the same may be allowed subject to the following directions upon the petitioner Company:-

*A) The Hon'ble Court may be pleased to issue a direction upon the petitioner company to file all its **pending and due** statutory returns **since 31.03.2009** and onwards with the e-registry of the Respondent within 30 days from the date of the order.*

B) The Hon'ble Court may also be gracious enough to impose a minimum cost of Rs. 46,000/- for gross and deliberate negligence in filing the Statutory Returns."

4. In the above factual backdrop, this petition is allowed with directions that (1) the petitioner's-company is to file all its pending and due Statutory Returns since 31.03.2009 and onwards with the e-registry of the respondents within 2 (two) months from the date of receipt of a certified

copy of this judgment and order and; (2) the petitioner shall pay the minimum cost of Rs. 30,000/- for the gross and deliberate negligence. For enabling the petitioner's-company to file the Statutory Returns in pursuance of the above directions, the impugned order dated 15.05.2012 passed by the Registrar of Companies is hereby quashed and set aside.

5. With the above, this petition is allowed.

JUDGE

Sylvana