

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CO.PET. 276/2009

M/S SONASTAR ELECTRONICS
PRIVATE LIMITED

..... Petitioner

Through Mr. Anuj K. Sinha, Advocate

versus

..

..... Respondent

Through (Appearance not given)

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

% **19.11.2010**

1. This petition under Section 560(6) of the Companies Act, 1956 ('Act' for short) has been filed for restoration of the name of M/s Sona Star Electronics Pvt. Ltd. in the register maintained by the Registrar of Companies.

2. Name of the petitioner company was deleted and removed from the register pursuant to the Gazette notification dated 26th April – 2nd May, 2008.

3. Registrar of Companies in their reply has stated that the petitioner did not file their annual reports and balance sheets for the period March/September, 1999 till March/September, 2008. It is stated that notices were issued under Section 560(1), (2) and (3) and ultimately under Section 560(5) of the Act but there was no response. However,

alongwith the reply Registrar of Companies has not placed on record, copy of the said notices and proof of dispatch/service. The petitioner has disputed issue of receipt of the said notices. However, petitioner has admitted defaults in filing of annual returns and balance sheets for the said period.

4. It is stated in the petition that the petitioner has prepared the annual returns and balance sheets and the same can be filed with the Registrar of Companies. It is stated that the petitioner is ready and willing to pay for the expenses and costs incurred by the Registrar of Companies.

5. Alongwith the rejoinder, the petitioner has enclosed NOC of the shareholders and Directors of the company except Mr. Chatinya Bedi. It is stated that Mr. Chatinya Bedi has only 10 shares in the petitioner company, out of paid-up and subscribed equity share capital of 1,000 shares.

6. In these circumstances, it is directed that the name of the petitioner company will be restored in the register maintained by the Registrar of Companies subject to following conditions:

- a. The petitioner will pay cost of Rupees One Lakh to the Registrar of Companies towards the expenses/costs. The said cost will be paid within 4 weeks.
- b. The petitioner will file balance sheets and annual reports within 4 weeks from the date the name of the petitioner

company is restored in the record of Registrar of Companies.

The petitioner will be liable to pay necessary fee including late fee.

- c. Directors of the petitioner company will file an undertaking in the Court stating that they shall comply with the provisions of the Act and regularly file the annual returns and balance sheets with the Registrar of Companies in accordance with law.

7. This court has not expressed any opinion whether the petitioner or their Directors have committed any offence or whether they are entitled to compounding of the alleged offences.

Petition is disposed of.

SANJIV KHANNA, J.

NOVEMBER 19, 2010

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