

**NATIONAL COMPANY LAW TRIBUNAL, COURT-V, NEW DELHI**  
Appeal 180/252/ND/2020

Item 218 of 04.12.20

IN THE MATTER OF:

Amit Bawa,  
M-181, Greater Kailash, Part-2, N Delhi-110048 ....Appellant No. 1

Sanya Bhalla,  
M-181, Greater Kailash, Part-2, N Delhi-110048 ....Appellant No. 2

[Ex-Directors of **Om Ganesha Garments Pvt. Ltd.**,  
M-181, FF, M Block, GK-II, N Delhi-110048]

Vs.

Registrar of Companies,  
IFCI Tower, 61, Nehru Place, N Delhi-110019 ....Respondent No. 1

Income Tax Department,  
DCIT, Block 1, Delhi High Court, N Delhi-110003 ....Respondent No. 2

Order Delivered on: 24.12.2020

CORAM:

ABNI RANJAN KUMAR SINHA, MEMBER (J)  
K.K. VOHRA, MEMBER (T)

PRESENT:

For the Appellants : Adv Ankit Sharma  
For Roc : M Yadhubhushana Rao, ARoC  
For Income Tax (IT) : Adv Vipul Agarwal

**ORDER**

**Per K.K. Vohra Member (T)**

1. This Appeal has been filed by Ex-Directors of the Company named 'Om Ganesha Garments Pvt. Ltd.' (the Company) invoking the provisions of Section 252 (3) of the Companies Act, 2013 (the Act) for restoration of the name of the Company in the Register maintained by the Registrar of Companies (RoC).
2. The Major facts are given below:

Date of Incorporation	26.10.2009
CIN No.	U181 09DL 2009 PTC1 95514
Date of Striking off	08.08.2018
Business	Import and export of readymade garments and to carry on the business as sellers, leather gloves, shoes and all kinds of leather products.

3. Revenue from operations were Nil during the FY 2018-19 (Page 101 of Petition), 2017-18, 2016-17, 2015-16 and 2014-15. A perusal of the balance sheet of the FY 2018-19 revealed that the Company had long term borrowings of Rs 65,63,000 (Page 104 of petition). A perusal of the petition (Pg 110 read with page 113) revealed that the company had paid salary during the year ended on 31.03.19 (Rs 3 lakh) and again on 15.01.20 (Rs 2,25,000), duly signed by a Chartered Accountant Mr Ashwani Uppal, indicating that the company has retained its employees and has bona fide intentions to continue business.
4. RoC, in its reply dated 30.06.2020, has not raised any objection for restoration of the name of the Company (Co). Ld. Counsel for IT Dept, Mr Vipul Agarwal appeared during the hearing on 12.11.20 when the case was heard for urgent listing. Thereafter, the case was heard on 04.12.20 on which date Mr Vipul Agarwal appeared for IT Dept and he mentioned that the appellant had filed last Income Tax Return for AY 2015-16. He did not raise any objection for restoration of the name of the Company. IT Dept will be in a better position to recover its dues if the name of the Company is restored.
5. In view of the fact that the Co has been paying salary to its employees, prepared audited financial statements for the 5 years ending FY 2018-19, the appeal to restore the name of the Company to the Register of RoC is **allowed** u/s 252 subject to payment of costs of Rs 75,000 to the Prime Minister Relief Fund along with Rs 75,000 to the Ministry of Corporate Affairs. Accordingly, the order of RoC dated 08.08.18 to strike off the name of the Co from the Register is hereby set aside. The restoration of the name of the Company in the Register will be subject to the Company's filing all outstanding documents for the defaulting years as required by law and completion of all formalities, including payment of any late fee or other charges. The name of the Co shall then stand restored in the Register of RoC, as if its name had not been struck off.
6. The direction for freezing the Bank Account(s) of the Co, if on this ground, shall consequently be also set aside immediately to enable the Co to carry out its business operation. Compliance of this order for

restoration shall be made by the RoC with all its consequential effects within one week of compliance by the Company.

7. Let the copy of the order be served to the parties.

Sd/-  
**K.K. VOHRA**  
Member (T)

Sd/-  
**ABNI RANJAN KUMAR SINHA**  
Member (J)