

NATIONAL COMPANY LAW TRIBUNAL, COURT-V, N DELHI
Appeal 370/252/ND/20

Item 217 of 03.12.20

IN THE MATTER OF:

Abinash Chandra Chaudhary,
884, Moh. Nungola, Hazipur, Vaishali, Bihar-844101

.....Appellant No. 1

Rambha Chaudhary,
Noongola East, Hazipur, Vaishali, Bihar-844101

.....Appellant No. 2

[Directors of **SRI Ganesh Plates and Glasses Pvt. Ltd.**
Kh 89, Near MCD School, Vill Prahadpur, Bangra, N Delhi-110042]

Vs.

Registrar of Companies,
IFCI Tower, 61, Nehru Place, New Delhi-110019

.....Respondent No. 1

Income Tax (IT) Dept.,
DCIT (H.C. Cell), 428, Block 1, Delhi H.C New Delhi-110001

.... Respondent No. 2

Order Delivered on: 24.12.2020

CORAM:

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

PRESENT:

For the Applicants : Advs Navdeep Jain and Nalin Bhardwaj
For Respondents : Advs Kunal Sharma and Zehra Khan for IT Deptt

ORDER

Per K.K. Vohra, Member (T)

1. This Appeal has been filed by Appellants, the Directors of the Company named 'SRI Ganesh Plates and Glasses Pvt. Ltd.' (the Company) invoking the provisions of Section 252 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 about the Company are given below:

Date of Incorporation	07.02.2013
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CIN No.	U210 00DL 2013 PTC2 48004
Date of Striking off	08.08.2018
Business	Manufacturers, traders and sellers of cutlery items.
Audited Financial Statements	Revenue from operations was Rs 34,00,000 during FY 2019-20 (Pg 52 of suppl petition 3), Rs 29,21,550 during FY 2018-19 and Rs 20,34,325 during FY 2017-18.
IT Returns	Submitted for AY 2020-21 showing net tax paid of Rs 7,935 (Pg 5 of suppl petition 2); AY 2018-19 showing Net tax payable zero.

3. RoC, in its reply dated 24.11.20, has not raised any objection for restoration of the name of the Company. During the hearing on 19.11.20, Adv Zehra Khan appeared on behalf of IT Deptt and sought 10 days time to file report; IT Deptt was also advised that no further adjournment will be granted on any ground. No report was filed till 29.11.2020. The case was heard on 03.12.2020 and the order was reserved. During hearing on 03.12.2020, Adv Zehra Khan did not raise any objection on behalf of IT Deptt.
4. In view of the fact that the Company has prepared audited financial statements for 3 years, latest being FY 2019-20 showing robust revenues from operations, that the Company has filed IT Returns, 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 25,000 to the Prime Minister Relief Fund along with Rs 50,000 to the Ministry of Corporate Affairs. Accordingly, the order of RoC dated 08.08.2018 to strike off the name of the Company 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 which are leviable by the RoC. The name of the Company shall then stand restored in the Register of RoC, as if the name had not been struck off.
5. The direction for freezing the Bank Account(s) of the Company, if on this ground, shall consequently be also set aside immediately to enable the Company to carry out its business operation. Compliance of this order for restoration shall be made by the RoC with all consequential effects within one week of compliance by the Company.
6. Let the copy of the order be served to the parties.

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

Sd/-
 24/12/2020
ABNI RANJAN KUMAR SINHA
 Member (J)