

NATIONAL COMPANY LAW TRIBUNAL, COURT-V, NEW DELHI

Appeal 250/252/ND/2020

Item 223 of 26.11.20

IN THE MATTER OF:

Pawan Agrawal,
630-B, FF, Rishi Nagar, Rani Bagh, N Delhi-110034Appellant No. 1
Rajendra Agrawal,
617-B, Rishi Nagar, Rani Bagh, N Delhi-110034Appellant No. 2

[Directors of **Nicron Electricals Pvt Ltd**,
546, Rishi Nagar, Rani Bagh, N Delhi-110034]

Vs.

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

Order Delivered on:03.12.2020

CORAM:

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

PRESENT:

For Appellants : Adv Parul Goel and Adv Arpit Goel
For Roc : Ms Mitika
For Income Tax (IT) : Adv Sunil Kumar

ORDER

Per K.K. Vohra Member (T)

1. This Appeal has been filed by Directors of the Company named 'Nicron Electricals 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 Incorporated	03.03.1997
CIN No.	U319 09DL 1997 PTC0 85541
Date of Striking off	08.08.2018
Business	Sale, purchase of all types of electronics and electrical items, appliances, equipment etc.


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IT Returns	Submitted for AY 2019-20 showing net tax payable of Rs 19,618 (Page 302 of petition), for AY 2018-19 showing tax payable of Rs 9,533 and for AY 2017-18 showing net tax payable of Rs 7,211.
Audited Financials	Revenue from Operations was Rs 1,67,62,337 (Pg 73 of petition) during FY 2018-19, Rs 84,37,179 during 2017-18 and Rs 18,41,304 during 2016-17.

3. RoC, in its reply dated 17.11.20, has not raised any objection for restoration of the name of the Company (Co). Ld. Counsel for IT Dept submitted that there was outstanding due of Rs 4,120 and except that there was no other objection. Ld. Counsel for appellant informed that the said amount had already been paid by the appellant on 20.11.20.
4. In view of the fact that the Co is a going concern, has prepared audited financial statements for the 3 years ending FY 2018-19, has filed IT Returns for 3 assessment years ending AY 2019-20, 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 08.08.18 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.
5. 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.
6. Let the copy of the order be served to the parties.


K.K. VOHRA
Member (T)


ABNI RANJAN KUMAR SINHA
Member (J)