

**THE NATIONAL COMPANY LAW TRIBUNAL COURT-V NEW DELHI**

**Appeal No. 354/252/ND/20**

Item 208 of 29.10.20

IN THE MATTER OF:

Rajendra Kumar Goel  
B-254-I, Sushant Lok-III, Sector 57, Gurgaon-122002 .....Appellant

[Director of **BNT Media & Entertainment Ltd.**  
C-204, Room 4 (GF) Pandav Nagar, N Delhi 110092]

Vs.

Registrar of Companies,  
4<sup>th</sup> Floor, IFCI Tower 61, Nehru Place, N Delhi-110019 .....Respondent 1

Deptt of Income Tax (IT),  
DCIT (High Court Cell), 428, Lawyer Chambers,  
Block-1, Delhi HC, New Delhi-110503 .....Respondent 2

Order Delivered on: 05.11.2020

CORAM:

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

PRESENT:

For Appellant : Adv Y.K. Goel  
For RoC : Mitika, Ld. ARoC  
For Income Tax (IT) : Adv Shailendra Singh

**ORDER**

Per K.K. Vohra Member (T)

1. This Appeal has been filed by Appellant, Director of the Company named BNT Media & Entertainment Ltd(the Company) [As per MCA records on Pg 110 of paper book, Annexure P-15] 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	09.07.1998 (MCA Data Pg 110 of paper book)
CIN No.	U748 99DL 1998 PLC0 94885 (Pg 84)
Date of Striking off	29.10.2019 (Pg3 of RoC reply)

K

U

Business	Establish, broadcast, operate, run, maintain, manage, control, develop, commercialize TV channels for news, media, entertainment, films and to carry on all related activities, as may be permitted by law in force from time to time.
Audited Financial Statements	Revenue from Operations was Rs 72,370 for FY 2018-19 and Rs 54,810 for period ended on 30 <sup>st</sup> Sep 2019. (Pg 92)
IT Returns	Submitted for the AY 2019-20. (Pg 93)

3. RoC, in its reply dated 27.10.2020 has not raised any objection for restoration of the name of the Company (Co). The Counsel for IT Deptt. submitted that he has not filed the report because he has not received instructions from the department concerned. Adv. Shailendra Singh appeared before this Bench on 01.10.2020 also and sought one week time to file report on behalf of IT Deptt. IT Deptt. did not file its report even after 28 days. Considering these facts, we do not think it proper to give more opportunity to IT Dept. to file the report. However, this Tribunal directs the appellants to make payment of any dues of IT Dept as per rules. U  
U
4. The petitioner has also requested that no penalty should be imposed in view of order of Hon'ble High Court dated 18.10.2019 for activation of the Director Identification Number (DIN). A perusal of the petition revealed that the DIN of the director was deactivated in 2017. It is also observed in the petition that RoC has followed the due process; however, there were delays in applying online by the petitioner giving an impression that more vigorous follow up was needed by the petitioner. A further perusal of the petition reveals that even at this stage, the Company has submitted financial statements for the financial year 2018-19 without complete report of the auditors and it has not submitted audited financial statements for the financial year 2016-17 and 2017-18.
5. In view of the fact that the Co has prepared financial statements for the FY 2018-19, that the company has submitted IT Return for the 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 50,000 to the Ministry of Corporate Affairs. Accordingly, the order of RoC dated 29.10.2019 to strike off the name of the Company from the Register is hereby set aside. The restoration of the name of the Co 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 Co.

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)