

**IN THE NATIONAL COMPANY LAW TRIBUNAL**

**NEW DELHI BENCH**

**COURT-VI**

**Appeal No.216/252/ND/2020**

**IN THE MATTER OF:**

i. Maulana Textiles Private Limited  
Having Its Registered Office At:  
House No. T-7,  
IInd Floor, Basti Hazrat Nazimuddin,  
New Delhi- 110013.

Versus

- i. Registrar of Companies  
Nct Of Delhi And Haryana, New Delhi
- ii. Union of India, Ministry of Finance  
Department of Revenue,  
Through Income Tax Department.
- iii. Union of India through the Secretary,  
Ministry of Corporate Affairs,  
'A' Wing, Shastri Bhawan, Rajendra Prasad Road,  
New Delhi- 110001.

.....Respondents

**Order Delivered on: 04.12.2020**

**Coram:**

**SHRI. P.S.N. PRASAD**  
**Hon'ble Member (Judicial)**  
**DR. V.K. SUBBURAJ**  
**Hon'ble Member (Technical)**

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Present: Mr. Shobhan Mahanti, Adv.

**ORDER**

**SHRI. P.S.N. PRASAD, HON'BLE MEMBER (J)**

1. The erstwhile director of Maulana Textiles Private Limited bearing CIN NO: U17121DL1998PTC094979 has filed the present appeal, invoking the provision of section 252 of the Companies Act, 2013 for restoration of the name of the petitioner company in the register maintained by the Registrar of Companies, NCT of Delhi and Haryana.
2. As per the averments, by Maulana Textiles Private Limited is incorporate on 14.07.1998 having its registered office at House No. T-7, IInd Floor, Basti Hazrat Nazimuddin, New Delhi- 110013, within the jurisdiction of this Tribunal. The Authorized Capital of the company was Rs. 4500000/-. The Paid-up Capital of the company was Rs. 450000/- the main objects of the company were as "To Carry on The Business as Manufactures, Buyer, Distributor's, Dealer Broker of All Kinds of Fabric and Textiles.
3. It is submitted by the appellant that a sweeping action was initiated by the ROC at the instance of MCA in striking of the names of several Companies who had failed to file their Statutory Returns. The appellant had not filed its Annual Returns and balance sheet since 31.03.2014, thereby giving rise to the surmise that the business of the company was not in operation.

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Consequently, its name was struck off by the Respondent from the Register of Companies under Section 248 of the Companies Act, 2013, upon taking steps in accordance with law and issuing a notification in the Official Gazette. The names of the effected companies were posted on its website.

4. The appellant has submitted that they could not file the balance sheet and annual return since 31.03.2014 along with relevant documents with the ROC. The appellant has further submitted that non-Compliance in filings of financial statements with registrar of Companies were done without any mala fide intention on the part of the applicant. The company has also submitted that the company has prepared its financial statements on timely basis.
5. In order to sustain the plea for restoration, the petitioner has placed before us the following documents:
  - i. Copies of duly Audited Financial Statement for the financial year 2014-2015 to 2018-2019.
  - ii. Copy of the Transfer Deed of Lease Hold Rights executed on 21.11.2002 between M/S Universal Manufacturing Company and the Applicant Company.

equitable to restore the name of the Company, the Tribunal may direct the RoC to restore the name in its Register.

10. In view of the claim of IT Dept receivable from the Company and timely filing of the application, the Tribunal has the power to restore the name of the Company in interest of justice. The lapses on the part of the management in non-filing of annual returns and financial statements in time can be countered by imposing higher cost. Besides, nobody would be prejudiced by the restoration of the name of the Company. On the contrary, the restoration is in the interest of the Company.

11. Accordingly, the appeal is allowed subject to payment of costs of Rs. 50,000/- to the Prime Minister Cares Fund. The restoration of the petitioner company's name in the Register will be subject to their 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 respondent for the late filing of statutory returns. The name of the petitioner company shall then stand restored in the Register of the Registrar of Companies, as if the name of the company had not been struck off in accordance with Section 248(5) of the Companies Act, 2013 with all consequential effects and benefits.



12. The direction for freezing the Bank Account(s) of the appellant 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 respondent with all its consequential effects within one week of compliance by the appellant.
13. The petition is disposed of accordingly.
14. Let the copy of the order be served to the parties.

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**(DR. V.K. SUBBURAJ)**  
**MEMBER (TECHNICAL)**

—sd—

**(P.S.N PRASAD)**  
**MEMBER (JUDICIAL)**