

**NATIONAL COMPANY LAW TRIBUNAL, COURT-V, NEW DELHI**  
Appeal 321/252/ND/2020

Item 209 of 24.12.20

IN THE MATTER OF:

Divyanshu Setia  
[Director of **Printpack Pvt. Ltd.**,  
CIN No-U222 19DL 2012 PTC2 37509]

.....Appellant

Vs

Registrar of Companies,  
IFCI Tower, 61, Nehru Place, N Delhi-110019  
Income Tax (IT) Officer,  
Through Principal Commr/Commr Income Tax,  
Minto Road, Delhi-110002  
Secretary MCA,  
A-wing, Shastri Bhawan, N Delhi-110001

.....Respondent No. 1

.....Respondent No. 2

.....Respondent No. 3

Order Delivered on:07.01.2021

CORAM:

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

PRESENT:

For the Appellants : Adv Rahul Kochar  
For RoC : Mr Zoheb Hossain, Mr Parth Semwal, ARoC  
For IT : Adv Syed Tamjeed Ahmad

**ORDER**

Per Abni Ranjan Kumar Sinha, Member (J)

1. This Appeal has been filed by a Director of the Company named 'Printpack 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:

Struck off date	08.08.2018
Audited Financials	The Company had Industrial Plot valued at Rs 44.99 lakh and Building valued at Rs 58.15 lakh as on 31.03.19 as per the audited balance sheet (Pg 31 of Affidavit 6). The company has also submitted copy of balance sheet showing Revenue from operations of Rs 2,10,000 during FY 2019-20 (Pg 12 of affidavit 8).

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IT Returns	Submitted for the AY 2019-20 showing net tax payable of Rs 53,514 (Pg 43 of affidavit 7), for the AY 2018-19 showing net tax payable of Rs 1,50,545.
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3. RoC, in its reply dated 14.10.20, has not raised any objection. IT Dept, in its reply dated 10.12.20, has not raised any objection.
4. In view of the fact that the Co has Fixed Assets as on 31.03.19 showing intention to carry on business, that the Co has filed IT Returns for 2 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 08.08.2018 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.

Sd/-

**K.K. VOHRA**  
Member (T)

Sd/-  
09.11.2021

**ABNI RANJAN KUMAR SINHA**  
Member (J)