

NATIONAL COMPANY LAW TRIBUNAL, COURT-V, NEW DELHI
Appeal 397/252/ND/2020

Item 219 of 11.12.20

IN THE MATTER OF:

Jaspal Singh,
[Ex-Director of **KMQ Engineering and Tools Pvt. Ltd.**,
K-40 Ab, Kalkaji N Delhi-110019]

.....Appellant

Vs

Registrar of Companies,
IFCI Tower, 61, Nehru Place, N Delhi-110019
Commissioner of Income Tax,
C.R. Building, I.P. Estate, N Delhi-110002

.....Respondent No.1

.....Respondent No. 2

Order Delivered on: 24.12.2020

CORAM:

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

PRESENT:

For the Appellants
For Roc

:Adv Naresh Kumar
:Mr M Yadubhushana Rao, ARoC

ORDER

Per K.K. Vohra Member (T)

1. This Appeal has been filed by Ex-Director of the Company named 'KMQ Engineering and Tools 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:

CIN No.	U292 55DL 2009 PTC1 88183
Date of Striking off	29.10.2019
Business	Engineering items.

3. RoC has not raised any objection in its reply dated 08.12.20. The name of the Company was restored to the register earlier vide order dated 11.02.19 of this Tribunal. However, as the Company failed to submit the required returns with RoC, the name was struck off again on 29.10.19.
4. In the previous order dated 11.02.19 (Para 10 of Petition), it was mentioned that the Company had made some transactions in its account with Vijay Bank from






01.04.13 to 27.03.18. The order further stated that the Company had submitted financial statements. The Balance sheet as on 31.03.17 reflected fixed assets of Rs 88,15,809 and had a loss of Rs 56,972. The company had incurred employee benefit expenses of Rs 2,40,000 for FY 2016-17. The order further stated that the Company had paid Rs 60,000 as IT for AY 2016-17. The order also referred to the registration certificate under Haryana Value Added Tax Act and registration for Central Excise (Pg 30 of Petition).

5. In view of the fact that the Co had fixed assets, that the Co had registration for Haryana Value Added Tax Act and Central Excise, that the Co had filed IT Return and paid IT, that the Co had been operating bank account, 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 75,000 to the Prime Minister Relief Fund along with Rs 75,000 to the Ministry of Corporate Affairs. Accordingly, the order of RoC dated 29.10.19 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.
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 Company.
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)