

NATIONAL COMPANY LAW TRIBUNAL, COURT-V, NEW DELHI

Appeal 383/252/ND/2020

Item 216 of 24.11.20

IN THE MATTER OF:

Shashi Prabha Goyal,
Jaypee Green Wish Town, Sec-128, NOIDA-201304Appellant

[Director of **Nogle Technologies Pvt. Ltd.**,
K-57, West Patel Nagar, N Delhi-110008]

Vs

Registrar of Companies,
IFCI Tower, 61, Nehru Place, N Delhi-110019Respondent No. 1

Income Tax Department,
Through standing counsel of Income Tax,
High Court Cell, Delhi High CourtRespondent No. 2

Order Delivered on: 03.12.2020

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

PRESENT:
For Appellants : Adv Varun Jain
For Roc : Ms Sweety Kumar Khattar
For Income Tax (IT) : Adv Ankit Singh

ORDER

Per K.K. Vohra Member (T)

1. This Appeal has been filed by Director of the Company named 'Nogle Technologies 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).

Appeal 383/252/ND/2020
Nogle Technologies Pvt Ltd

 1



2. The Major facts are given below:

Date of Incorporation	18.01.2011
CIN No.	U729 00DL 2011 PTC2 12797
Date of Striking off	08.08.2018
Business	Gathering, accumulating, organizing, tabulating, sales and marketing of and trading in all types of information, data, statistics.
Audited Financials	Nil revenue from operations during 5 years ending FY 2018-19. Entire share capital has been eroded (Pg 86 of petition); total assets are to the tune of Rs 85,301 (Pg 86) as on 31.03.19 which comprise of furniture, mobile phone, office equipment and computer etc.
Misc	Kotak Mahindra Bank Statement from 01.04.2015 to 31.03.2020 showing credit balance of Rs 9,818 (Pg 99 of petition) as on 31.03.2020.

3. RoC, in its reply dated 19.11.20, has not raised any objection for restoration of the name of the Company (Co). The Company was having litigation with IT Dept as mentioned in the appeal (Pg 101 to 118 of petition). This has been confirmed by the report of the IT Dept dated 23.11.20. IT Dept has outstanding demands for AY 2014-15 (Rs 6,30,980 Pg 1 of IT report) and AY 2013-14 (Rs 220).
4. The financial statements do not warrant the restoration of the name of the Company. However, in view of litigation with IT Dept and outstanding demand of more than Rs 6,00,000 which can be recovered more easily when the name of the Company is restored, 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 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.

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/-

ABNI RANJAN KUMAR SINHA
Member (J)