

**NATIONAL COMPANY LAW TRIBUNAL, COURT-V, NEW DELHI**  
Appeal 375/252/ND/20

Item 223 of 24.11.20

IN THE MATTER OF:

Satya Narain Rustagi,  
158/4, Street 4, Arvind Nagar, Ghonda, Delhi 110053

.....Appellant No. 1

Madhu Rastogi,  
158/4, Street 4, Arvind Nagar, Ghonda, Delhi 110053

.....Appellant No. 2

[Directors of **M. S. Hydro Engineers Pvt. Ltd.**  
R-15, Rita Block, Shakarpur, Delhi- 110092]

Vs.

Registrar of Companies,  
IFCI Tower, 61, Nehru Place, New Delhi-110019

.....Respondent

Order Delivered on: 03.12.2020

CORAM:

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

PRESENT:

For the Applicant : Adv Chandradip Bharti  
For Roc : Sweety Kumar Khattar, ARoC  
For Income Tax (IT) : Adv Sunil Agarwal

**ORDER**

**Per K.K. Vohra, Member (T)**

1. This Appeal has been filed by Appellant, the Directors of the Company named 'M. S. Hydro Engineers Pvt. Ltd.' (the Company) 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:

Date of Incorporation	09.01.2008
CIN No.	U293 06DL 2008 PTC1 72435
Date of Striking off	29.10.2019
Business	Construction of hydroelectric projects.

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Audited Financial Statements	Revenue from operations was Rs 82,24,366 during FY 2018-19 (Pg 106 of petition), Rs 43,93,520 during FY 2017-18 and Rs 63,49,685 during FY 2016-17.
IT Returns	Submitted for the AY 2019-20 showing net tax payable of Rs 29,466 (Pg 125) and for AY 2017-18, the Company showed tax payable of Rs 37,436.

3. RoC, in its reply dated 20.11.20 has not raised any objection for restoration of the name of the Company. Counsel for IT Dept present stated that IT Dept had no objection. IT Dept had submitted its report on 21.11.20 which stated that there was no outstanding demand for any of the AYs.
4. In view of the fact that the Company has prepared audited financial statements for 3 years latest being FY 2018-19 and that the Company has filed IT Returns, 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 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 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 which are leviable by the RoC. The name of the Company shall then stand restored in the Register of RoC, as if the name had not been struck off.
5. The direction for freezing the Bank Account(s) of the 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 RoC with all consequential effects within one week of compliance by the Company.
6. Let the copy of the order be served to the parties.

Sd/- 20  
**K.K. VOHRA**  
Member (T)

Sd/- 2020  
**ABNI RANJAN KUMAR SINHA**  
Member (J)