

**IN THE NATIONAL COMPANY LAW TRIBUNAL,
KOLKATA BENCH, COURT-II**

CP No. 42/KB/2024

***An application under Section 252(3) of the Companies Act, 2013
for restoration.***

In the matter of:

**TRISHAKTI PLAZA PRIVATE LIMITED.
(CIN:U45400WB2014PTC201291)**

..... Struck Off

In the matter of:

PRADIP TIBREWAL, Director/ Share Holder of the company.

....Appellant/Petitioner

-Versus-

THE REGISTRAR OF COMPANIES, WEST BENGAL

.....Respondent

Date of Pronouncement: 8/05/2024

CORAM:

- 1. Smt. Bidisha Banerjee, Member (Judicial)**
- 2. Shri D. Arvind, Member (Technical)**

Appearance via (Hybrid Mode)

Ankit Chaurasia, Adv }petitioner

J. R Dhal, Adv }
}

ORDER

Per: Bidisha Banerjee, Member (Judicial)

1. This Company Petition has been filed by one of the Directors/ Share Holders of **TRISHAKTI PLAZA PRIVATE LIMITED**, u/s 252(3) of the Companies Act, 2013 for restoration of name of the Struck off company in the register of the Companies, maintained in the office of the Registrar of Companies, WEST BENGAL. It is stated that the name of the company was struck off on **24.08.2018**.
2. It is contended that the company has not filed the financial Statements for the financial years ended **2017-2018, 2018-2019, 2019-2020, 2020-2021, 2021-2022, 2022-2023** and Annual Returns of the Company for the financial years **2017-2018, 2018-2019, 2019-2020, 2020-2021, 2021-2022, 2022-2023** and, the delay in filing the Financial statements and Annual Returns is due to non-filing of declaration with the Registrar by the Company and also due to inadvertent and unintentional mistakes and has now produced copies of the said financial statements.
3. It is further contended that the Company has Current Liabilities of **Rs. Rs.2,87,480/-** and Current Assets of **Rs.4,002.27/-** for the Financial year ended on 31.03.2022 and it will be unfair to company if the company is struck-off. Upon the said contentions, the Ld. Counsel for the Petitioner prayed for passing of an order for restoration of the name of the appellant company.

4. Notices were issued to the Registrar of Companies, WEST BENGAL. The Registrar of Companies, WEST BENGAL has submitted a report. It was stated in the report that only after the compliance of requirements to be met under Section 248 of the Companies Act, 2013, Registrar of Companies, WEST BENGAL has struck off the name of the Company from the register.

5. The Registrar of Companies, WEST BENGAL has not objected to this application for restoration of the name of the company. We feel that whereas the reasons given for non-filing of declaration with the Registrar by the Company as being inadvertent and unintentional mistakes are not substantive, however considering the submission of the Ld. Advocate that there are current liabilities of the company that need to be extinguished, it is just that the name of the Company is restored. Accordingly, in exercise of the powers conferred on the Tribunal under Section 252 of the Companies Act, 2013, the petition is allowed on the Following terms:
 - a) The Registrar of Companies, WEST BENGAL, the respondent herein, is directed to restore the original status of the petitioner company as if the name of the Company had not been struck off from the register of Companies with the resultant and consequential actions like changing status of petitioner company from **'Struck off' to 'Active'**.
 - b) The Petitioner Company is directed to file all pending statutory document(s) including Annual Accounts for the period of **2017-2018, 2018-2019, 2019-2020, 2020-2021, 2021-2022, 2022-2023** and Annual returns for the period **2017-2018, 2018-2019, 2019-2020, 2020-2021, 2021-2022, 2022-2023** along with prescribed fees/additional fee/fine as decided by Registrar of Companies, WEST BENGAL within 45 days from the date on which its name is restored on the register of companies

maintained by the Registrar of Companies, WEST BENGAL.

- c) The restoration of the Company's name is also subject to the payment of cost of Rs. **70,000/- (Rupees Seventy Thousand Only)** through online payment in www.mca.gov.in under miscellaneous fee by mentioning particulars as "Payment of cost for restoration of company pursuant to orders of NCLT in **C.P. No. 42/KB/2024.**"
- d) The petitioner is directed to deliver a certified copy of the order with Registrar of Companies, WEST BENGAL within thirty days of the receipt of this order.
- e) On such delivery and after due compliance with the above directions, the Registrar of Companies, WEST BENGAL is directed to publish the order in the Official gazette under his office name and seal;
- f) This order is confined to the violations, which ultimately led to the impugned action of striking off the name of the company, and it will not come in the way of Registrar of Companies, WEST BENGAL to take appropriate action(s) in accordance with the law, for any other violations/offences, if any, confirmed by the Appellant company prior to or during the period the name of the Company remained Struck off.

6. The **C.P. No. 42/KB/2024 is disposed** of accordingly.

7. The Registry is directed to send e-mail copies of the order forthwith to all the parties inclusive of the counsel.

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CP No. 42/KB/2024

8. Urgent certified copies of this order, if applied for be issued upon compliance with all requisite formalities.

**D. Arvind
Member (Technical)**

**Bidisha Banerjee
Member (Judicial)**

Signed this, on the 8th day of May, 2024

NKS(LRA)