

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
MUMBAI BENCH, COURT-V**

**CA No. 75/MB/2023**

Under Section 252(1) of Companies  
Act, 2013

In the matter of

**Technophile (India) Insurance  
Surveyors & Loss Assessors Private  
Limited**

Bungalow No. 54, Omkareshwar Marg,  
Veer Sawarkar Nagar, Thane (West),  
Mumbai 400606

**... Appellant/ Petitioner**

V/s.

**The Registrar of Companies, Mumbai**  
5<sup>th</sup> Floor , 100 Everest Building, Netaji  
Subhash Road, Marine Dr, Mumbai,  
Maharashtra - 400002.

Contact No: 022-22812627, 022-  
22812645

Email: roc.mumbai@mca.gov.in

**... Respondent**

**Order dated: 24.07.2024**

**Coram:**

Reeta Kohli, Hon'ble Member (Judicial)

Madhu Sinha, Hon'ble Member (Technical)

**For the Applicant:** CS Yogesh Choudhary

**ORDER**

1. This present appeal has been filed under Section 252 of the Companies Act, 2013 (hereinafter as Act) by “Technophile (India) Insurance Surveyors & Loss Assessors Private Limited”, having share capital of the Company is Rs. 1,00,000 divided into 10,000 equity shares of Rs. 10/- each, seeking relief against the respondent, *inter-alia* among other things, to restore the name of the company in the Register of Companies maintained by the Registrar of Companies, Mumbai.
2. The name of Appellant Company was struck off by the Respondent on the ground that the Company did not file Form No. INC 20A (Declaration for Commencement of Business) as required under Section 10A (1)(a) of the Companies Act, 2013 and Rule 23A of the Companies (Incorporation) Rules, 2014 within the prescribed time i.e. 180 days.

**Submissions by the Appellant:**

3. The Appellant Company states that it has been carrying on business of Insurance Surveyor and Loss Assessor as allowed under its main object of Memorandum of Association.
4. It is submitted that the company was incorporated on 16<sup>th</sup> March, 2021 under the Companies Act, 2013. The Company did not file Form No. INC 20A (Declaration for Commencement of Business) as required under Section 10A (1)(a) of the Companies Act, 2013 and Rule 23A of the Companies (Incorporation) Rules, 2014 within the prescribed time i.e. 180 days.
5. In the meanwhile, while completing the annual filing requirements, the Company came to know that their status

shown on the official website of the Ministry of Corporate Affairs (MCA) is "STRIKE OFF". It is further submitted that, the notice in form STK 1 was inadvertently marked as spam by the email service provider of the Applicant and also the Applicant was unaware of the notice in form STK 5 dated 13<sup>th</sup> September 2022 thereby causing an unintentional non-compliance.

6. It is further submitted that the Company has the potential of creating employment opportunities, If the name of the Company is restored there will be no loss or harm as prejudice caused to anyone.
7. The Company is ready to comply with the relevant provisions of Companies Act 2013, Further the Company is willing to file the necessary Documents and Returns in compliance with the provisions of the Companies Act,2013 same before the ROC Mumbai.

**Submissions by the Respondent/RoC:**

- 1) The Respondent/ ROC has filed a detailed report and submitted to this Tribunal, explaining the sequence leading to the striking off of the company. It is stated that the Applicant has failed to comply with the statutory compliances under the Companies Act, 2013 by not filing its statutory INC 20A form (commencement of business period) within 180 days from the Date of Incorporation, i.e. 16<sup>th</sup> March, 2021 and hence, the Company had been considered for being struck off by the Registrar of Companies, Mumbai, in *suo moto* action under the provisions of Section 248 of the Companies Act, 2013 and also in pursuance of the circulars issued by the Ministry of Corporate Affairs, Government of India, New Delhi from time to time. A notice in Form STK-I was issued. It is further submitted that the RoC/Respondent had issued a public notice in form STK-5 dated 13<sup>th</sup> September, 2022.

- 2) Respondent further submitted that in absence of any representation against the proposed strike off action, the Registrar struck off the name of the company on 17<sup>th</sup> November under section 248(5) and the dissolution order was published on the website of the Ministry vide STK 7 on 17<sup>th</sup> December, 2022.

**Findings:**

8. That, the facts and circumstances of the case show that the relevant documents and returns which are to be filed, are ready with the Company and the Company is willing to file the same, if so permitted.
9. The applicant enclosed Income Tax Returns filed with the authorities and the Audited Annual Accounts for the years 2021-2022 with the Appeal to demonstrate that the Company is in continuous operation and willing to comply with the requirements.
10. The applicant filed the present Appeal under section 252(1) of the Companies Act, 2013, Hence, upon considering the facts and circumstances of this present appeal, this Bench is of the view that, within a period of 1 year the present appeal, Company Appeal 75 of 2023 has been filed on 3<sup>rd</sup> march, 2023 by the Director of the “Technophile (India) Insurance Surveyors & Loss Assessors Private Limited” before the Tribunal under section 252(1) of the Companies Act. Accordingly, this Bench is of the view that, it would be just and proper to order restoration of the name of the Company in the Register of Companies maintained by the ROC.
11. Accordingly, this Appeal is allowed. The restoration of the Company's name to the Register of Companies maintained by the ROC, Mumbai is hereby ordered, **subject to payment of Rs. 25,000/- per Financial year totaling to Rs. 50,000 for**

**the years 2021-2022 and 2022-2023** in the account of “Bharat Kosh”. The appellant Company shall undertake to abide by the Provisions of the Companies Act, 2013. Consequentially thereupon the Bank Account/s if freezed shall be defreezed and to be operated by the Company.

12. The Registrar of Companies, Mumbai shall give effect of this Order only after perusal of the Compliance report of cost imposed. The Company is directed to file all the required documents and fulfil other relevant statutory compliances within 30 days from the date of Restoration of its name in the Register of Companies maintained by ROC.

Sd/-

**Madhu Sinha**  
**Member (Technical)**

Sd/-

**Reeta Kohli**  
**Member (Judicial)**

//VLM//