

THE NATIONAL COMPANY LAW TRIBUNAL, COURT-V, NEW DELHI

Appeal No. 212/252/ND/2020

Item 203 of 24.09.20

IN THE MATTER OF:

Mr. Ram Parkash Gupta
Chetakpuri Gate, Lashkar, Gwalior- 474001Appellant
[Director of **Applause Packaging Pvt. Ltd**, 210A,
Vikas Complex, 37, Veer Savarkar Block, Shakarpur, Delhi-110092]

Vs.

Registrar of Companies,
4th Floor, IFCI Tower 61, Nehru Place, Delhi-110019Respondent No. 1

Deptt of Income Tax (IT),
DCII (High Court Cell), 428, Lawyer Chambers,
Block-1, Delhi HC, New Delhi-110503 Respondent
No. 2

Order Delivered on: 28.09.2020

CORAM:

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

PRESENT:

For the Applicant : Adv Anand
For Roc : Adv Alok Pandey
For Income Tax : Adv Isha Kadian

ORDER

Per K.K. Vohra Member (T)

1. This Appeal has been filed by Ex-Director of the Company named 'Applause Packaging 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:

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Applause Packaging Pvt. Ltd.

| | |
|-----------------------------------|---|
| Date of Incorporation | 14.09.2005 |
| CIN No. | U003 13DL 2005 PTC1 40733 |
| Date of Striking off | 21.08.2017 |
| Business | Manufacture, procure, buy, sell and deal in packaging of paper, material, leather wood etc. |
| IT Returns | Submitted for AYs 2019-20, 2018-19, 2017-18 and 2016-17. |
| Financial Statements for the year | Submitted audited financial statements for the year 2018-19, 2017-18 and 2016-17 etc. |
| Misc | During Virtual hearing on Sep 24, 2020, the Counsel of the Appellant informed this court that about 100 employees are currently working in the Company. |

3. The provisions pertaining to restoration of the name of the Company have been provided in Sec 252 of the Act which include that, if it is just and equitable to restore the name in the Register, the Tribunal may direct the RoC to restore the name in its Register.
4. In view of the fact that the Company has prepared audited financial statements for the 3 years ending FY 2018-19, that the Co has filed IT Returns for 3 assessment years latest being AY 2019-20 and employment of about 100 persons in the Co, the appeal to restore the name of the Company to the Register of RoC is **allowed** 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 21.08.2017 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 the RoC, as if its 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 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)