

**IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH (COURT NO. I)
KOLKATA**

Company petition no. 209/KB/2023

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

In the matter of:

Chandel Construction Private Limited, [CIN: U45202BR2019PTC043334], having its registered office at Smt. Sumitra Devi, W/o Jogeshwar Singh, R.K. Nagar, Kankarbagh 2, Patna, Bihar 800020.

... **Struck Off Company**

Versus

The Registrar of Companies, Patna, having its office at Ministry of Corporate Affairs, High Court of Patna, Maurya Lok Complex, Block "A", 4th Floor, Dak Bungalow Road, Patna – 800001, Bihar.

... **Respondent**

Date of hearing: 02.08.2023

Date of pronouncement of order: 14.09.2023

CORAM:

**SHRI ROHIT KAPOOR, HON'BLE MEMBER (JUDICIAL)
SHRI BALRAJ JOSHI, HON'BLE MEMBER (TECHNICAL)**

Appearance (via video conferencing/physically)

For Petitioner

Mr. Anil Kumar, CS.

O R D E R

Per: Rohit Kapoor, Member (Judicial)

1. This Company Petition has been filed by Mr. Abhinav Kumar Singh and Mr. Shilpi Singh, Directors of **Chandel Construction Private Limited [CIN: U45202BR2019PTC043334]**, under Section 252 (3) of the Companies Act, 2013 for restoration of name of the **struck off company** in the Register of 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 **10.10.2022**.
2. It is contended that the Company had not filed the Financial Statements and Annual Return for the Financial Year ended 31.03.2022 due to non-filing of Form INC-20A for commencement of business as required under Section 10A of the Companies Act 2013 read with rules, within a period of one hundred and eighty days of the date of incorporation of the company due to lack of co-ordination an

follow up with the professional engaged for the same. The Company has prepared its **Financial Statements and Annual Returns** for the **Financial Year 2019-20, 2020-21 and 2021-22** but could not file the same with the Registrar of Companies, Patna, Bihar due to the company being **struck off** by the Respondent.

3. It is further contended that the Company has **Authorised Capital of Rs.10,00,000/- (Rupees Ten lakhs only)** and **Paid up capital of Rs.2,00,000/- (Rupees Two lakhs only)** as per **Master Data** of the Company and it will be unfair to company if the company is **struck off**. Upon the said contentions, the Ld. Counsel for the Petitioner has prayed for an order for restoration of the name of the appellant company.
4. Notices were issued to the Registrar of Companies, Patna, Bihar. The Registrar of Companies, Patna, Bihar has submitted a report. It was stated in the report that only after compliance of the 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, Patna, Bihar has not objected to this application for restoration of the name of the company. We feel that 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, Patna, Bihar, 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 and Annual returns for the period/ Financial Year ended 31.03.2022 along with prescribed fees/additional fee/fine as decided by Registrar of Companies, Patna, Bihar 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.

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- (c) The restoration of the Company's name is also subject to the payment of cost of **Rs.80,000/- (Rupees eighty 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. 209(KB)/2023**". This includes the penalty of Rs 50,000/- for non-filing of INC 20A by the company as per Section 10A(2).
- (d) The petitioner is directed to deliver a certified copy of this order with Registrar of Companies, Patna, Bihar 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, Patna, Bihar 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, Patna Bihar to take appropriate action(s) in accordance with law, for any other violations/offences, if any, committed by the petitioner company prior to or during the period the name of the Company remained struck off.
6. The **CP/209(KB)/2023** is **disposed of** accordingly.
7. The Registry is directed to send email copies of the order forthwith to all the parties inclusive of the Counsel.
8. Urgent certified order, if applied for, be supplied to the parties upon compliance of all requisite formalities.
9. File be consigned to records.

Balraj Joshi
Member (Technical)

Rohit Kapoor
Member (Judicial)

This Order signed on this, the 14th day of September, 2023.

Sayon [Steno]