

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

C.P.No4/(KB)/2023

In the matter of

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

In the Matter of:

Home Express Interiors Private Limited (CIN: U93000WB2020PTC242041),
having its Registered office at P-547, Block-N, New Alipore, Kolkata-700053.

... Struck off

And

Pooja Agarwal, Member of Home Express Interiors Private Limited, residing
at A2C Sneha Garden 28 Roy Bahadur Road, New Alipore, Kolkata West
Bengal 700053.

...Petitioner

Versus

In the Matter of:

The Registrar of Companies, West Bengal, having its office at Nizam Palace,
2nd MSO Building, 2nd Floor, 234/4, Acharya Jagdish Chandra Bose Road,
Kolkata 700 020.

...Respondent

Date of Hearing: 14/03/2023

Date of Pronouncement: 16/03/2023

Coram:

Smt. Bidisha Banerjee, Member (Judicial)

Shri Rahul Bhatnagar, Member (Technical)

Appearances (via Video Conference):

Ms. Jyoti Mandal, PCA] For the petitioner

Ms. Swati Bajaj, PCS]

O R D E R

Per: Bidisha Banerjee, Member (Judicial)

- 1) This Company Petition has been filed by Pooja Agarwal, shareholder of **Home Express Interiors Private Limited** u/s. 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 07/11/2022**.
- 2) It is contended that the Company had not filed the Financial Statements for the financial years ended 2020-2021 and 2021-2022 and Annual Returns of the Company for the financial years ended 2020-2021 and 2021-2022, due to error of omission and has produced copies of the said financial statements.
- 3) It is further contended that the Company has Reserves & Surplus amounting to Rs 36,18,008/-, Short Term Borrowings Rs 9,05,870/- and Other Current Liabilities amounting to Rs 65,06,322/- in the year 2021-2022. Upon the said contentions, the Ld. Counsel for the Petitioner prayed for passing of an order for restoration of the name of the petitioner 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 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) ROC, West Bengal 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, 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 and Annual returns for the period 2020- 2021 & 2021-2020 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.20,000 (Rupees Twenty 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.4(KB)/2023 "**.

- d)** The petitioner is directed to deliver a certified copy of this 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 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 **C.P. No. 4/(KB)/2023 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.
- 8) Urgent certified copy of this order, if applied for be issued upon compliance with all requisite formalities.

(Rahul Bhatnagar)
Member (Technical)

(Bidisha Banerjee)
Member (Judicial)

Order signed on this, the 16th day of March, 2023

PJ