

VACATION BENCH

O-103

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

CP/78(KB)2024

**CORAM: 1. HON'BLE MEMBER(J), SMT. BIDISHA BANERJEE
2. HON'BLE MEMBER(T), SHRI D. ARVIND**

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 05TH JUNE 2024

IN THE MATTER OF	FENASIA OVERSEAS PRIVATE LIMITED VS REGISTRAR OF COMPANIES WEST BENGAL
UNDER SECTION	SEC 252 (3)

Appearance (via video conferencing/physically)

Mr. Mohan Ram Goenka, CS] For the Petitioner
Ms. Sneha Khaitan, CS]

ORDER

1. Learned Authorized Representative for the Petitioner present.
2. This Company Petition has been filed under Section 252(3) of the Companies Act, 2013 by Mr. Naresh Kumar Juneja ('Petitioner'), one of the shareholders of M/s Fenasia Overseas Private Limited ('Struck Off Company'), praying for restoration of the name of the struck off company in the register of companies, maintained in the office of the Registrar of Companies, (ROC), West Bengal (respondent herein). It is stated that the name of the company was struck off on **05/09/2013**.
3. It is contended that the Company had not filed the Financial Statements and Annual Returns for the financial years ended on **2010-2011 to 2022-23**.
4. Notice was 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 the Registrar of Companies, West Bengal has struck off the name of the company from the register as per the provision of section 560 of the Companies Act 1956.
5. The Registrar of Companies, West Bengal had filed its report dated

03.06.2024, for which the Petitioner have given the Rejoinder Affidavit dated 04.06.2024. Upon, considering the submission of the Ld. Petitioner that the United India Insurance Co. Ltd is obligated to make payment of the insurance claim amount to the extent of Rs.7,86,11,587/- to the company pursuant to the Order passed by the Hon'ble Supreme Court of India on 27.02.2024 and the National Consumer Disputes Redressal Commission, New Delhi on 08.11.2023, it is just that the name of the Company is restored. The Registrar of Companies, West Bengal has not objected to this application for restoration of the name of the company. Accordingly, in exercise of the powers conferred on the Tribunal under Section 252 of the Companies Act, 2013, the present 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 documents including Financial Statements and Annual Returns from **2010-2011 to 2022-23** along with prescribed fees/fine as decided by the 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.1,30,000/- (Rupees One lakh thirteen 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 order of NCLT in CP/78(KB)2024"**.
- 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 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 actions 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/78(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.
 8. Urgent certified copy of this order, if applied for be issued upon compliance with all the requisite formalities.

D. Arvind
Member (Technical)

Bidisha Banerjee
Member (Judicial)