

**IN THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH (Court-II)
KOLKATA**

CP/162(KB)2024

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

In the Matter of:

(1) M/s. ADIBA LEATHER PRIVATE LIMITED (CIN: U19115WB2014PTC201850), a company incorporated under the Companies Act, 2013 and having its registered office at 171/C/1, Picnic Garden Main Road, Ground Floor, Kolkata – 700039, in the State of West Bengal.

... Struck Off

-And-

(2) MOHAMMAD IBRAR, Member of Adiba Leather Private Limited, residing at 171/C/1, Picnic Garden Road, Near TMC Party Office, Tiljala South 24 Parganas West Bengal – 700039, in the State of West.

... Applicant

-Versus-

(3) The Registrar of Companies, West Bengal, having its office at Nizam Palace, 2nd MSO Building, 2nd Floor, 234/4, A.J.C Bose Road, Kolkata – 700020.

... Respondent

Date of pronouncing of the Order: 05/06/2024

Coram:

SMT. BIDISHA BANERJEE : **MEMBER (JUDICIAL)**
SHRI D. ARVIND : **MEMBER (TECHNICAL)**

Appearances (via video conferencing/physically):

Mr. Raju Mukherjee, PCS : For the Company

Deputy RoC, West Bengal : For the RoC, WB

O R D E R

Per: D. Arvind, Member (Technical)

1. This Court is congregated through hybrid mode.
2. This Company Petition has been filed by the shareholders of **ADIBA LEATHER 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 03.02.2022**.
3. It is contended that the Company had not filed the Financial Statements for the last five financial years, i.e., 2016-17 to 2022-23, due to some difficulties in the business scenario for the two financial years preceding the date in which notice has been received from the Registrar of Companies, West Bengal and internal disputes in the management of the company, the company was not able to conduct the business properly and hence was not able to file regular returns. Upon the said contentions, the Authorized Representative for the Petitioner prayed for passing of an order for restoration of the name of the appellant 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. The ROC West Bengal has not objected to this application for restoration of the name of the company. On perusal of the application, we are satisfied that the name of the company should be restored to the register. Therefore, this petition deserves sympathetic consideration. Accordingly, 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 document(s) including Annual Accounts and Annual returns for the period of 7 (Seven) years 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. 70,000/- (Rupees Seventy 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. 162/KB/2022"**.
- (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. 162/KB/2022 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 or, be supplied to the parties, subject to compliance with all requisite formalities.

D. Arvind
Member (Technical)

Bidisha Banerjee
Member (Judicial)

Order signed on: 5th of June, 2024.

Ar. [steno]