

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

CP No. 248/KB/2023

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

In the matter of:

**Kingpin Infratech Private Limited (CIN:U70109BR2019PTC041869)
..... Struck Off**

In the matter of:

Abhishek Singh, Director /Shareholder of the company.

....Appellant/Petitioner

-Versus-

THE REGISTRAR OF COMPANIES, BIHAR

.....Respondent

Date of Pronouncement: 25.04.2024

CORAM:

- 1. Smt. Bidisha Banerjee, Member (Judicial)**
- 2. Shri D. Arvind, Member (Technical)**

**Authorized Representatives appeared through video Conference/
Physical**

Mr. Altamash Alim, Adv] For the Petitioner

ORDER

Per: Bidisha Banerjee, Member (Judicial)

1. This Company Petition has been filed by one of the Share Holders of **Kingpin Infratech Private Limited**. u/s 252(3) of the Companies Act, 2013 for restoration of name of the Struck off company in the register of the Companies, maintained in the office of the Registrar of Companies, Bihar. It is stated that the name of the company was struck off on **10.10.2022**.
2. It is contended that the company has not filed the financial Statements for the financial years **2019-2020, 2020-2021, 2021-2022 and 2022-2023** and Annual Returns of the Company for the financial years **2019-2020, 2020-2021, 2021-2022 and 2022-2023**, the delay in filing the Financial statements and Annual Returns is due to non-filing of statutory documents by the company and failed to submit e-Form INC 20A for declaration of commencement of business with the Registrar of Companies, Bihar (respondent) with the stipulated timeline.
3. Notices were issued to the Registrar of Companies, Bihar. The Registrar of Companies, Bihar has submitted a report. It was stated in the report that only after the compliance of requirements to be met under Section 248 of the Companies Act, 2013, Registrar of Companies, Bihar has struck off the name of the Company from the register. As per profit & loss A/c the company has earned a profit of

Rs. 10,994/- in the year 2021-22 and therefore the company is conducting an active business.

4. The Registrar of Companies, Bihar has not objected to this application for restoration of the name of the company. We feel that whereas the reasons given for due to non-filing of statutory documents by the company and failed to submit e-Form INC 20A for declaration of commencement of business with the Registrar of Companies, Bihar (respondent) with the stipulated timeline is not satisfactory and therefore the company is liable for paying a fine in terms of the stipulations of Section 10A of the Companies Act 2013. However, considering the submission of the Ld. Advocate that the company is in the active business and that there are current liabilities of the company that need to be extinguished, it is just that the name of the Company is restored.
5. 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, 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 for the period of **2019-2020, 2020-2021, 2021-2022 and 2022-2023** and Annual returns for the period of **2019-2020, 2020-2021, 2021-2022 and 2022-2023** along with prescribed fees/additional fee/fine as decided by Registrar of Companies, Bihar, within 45 days from the date on which

its name is restored on the register of companies maintained by the Registrar of Companies, Bihar.

- c) The restoration of the Company's name is also subject to the payment of cost of Rs. **30,000/- (Rupees Thirty 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. 248/KB/2023.**"
- d) Further the company shall also pay a fine of **Rs.50,000/-** as envisaged under section 10A of the Companies Act 2013 under appropriate head of account as directed by RoC.
- e) The petitioner is directed to deliver a certified copy of the order with Registrar of Companies, Bihar within thirty days of the receipt of this order.
- f) On such delivery and after due compliance with the above directions, the Registrar of Companies, Bihar is directed to publish the order in the Official Gazette under his office name and seal;
- g) 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, Bihar to take appropriate action(s) in accordance with the law, for any other violations/offences, if any, confirmed by the Appellant company prior to or during the period the name of the Company remained Struck off.

6. The **C.P. No. 248/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.

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8. Urgent certified copies of this order, if applied for, be issued upon compliance with all requisite formalities.

**D. Arvind
Member (Technical)**

**Bidisha Banerjee
Member (Judicial)**

Order signed on 25.04.2024.

NKS(LRA)