

**IN THE NATIONAL COMPANY LAW TRIBUNAL,
KOLKATA BENCH-I (BENCH-I)
KOLKATA**

CP No. 321/KB/2022

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

And

In the matter of:

J M D Rolls Private Limited.(CIN:U27310WB1998PTC086972)

..... Struck Off

In the matter of:

Anil Kumar Agarwal, Shareholder of the company.

....Appellant/Petitioner

-Versus-

THE REGISTRAR OF COMPANIES, WEST BENGAL

....Respondent

Date of Pronouncement: 02/04/2024

CORAM:

1. Mr. Rohit Kapoor, Member (Judicial)

2. Mr. Balraj Joshi, Member (Technical)

Authorized Representatives appeared through video Conference/ Physical

Mr. P.P. Bishwal, Adv.] For the Petitioner

Ms. Soonam Agarwal, Adv.]

Mr. Chandanji, ARoC] For the office of ROC, WB

ORDER

Per: Rohit Kapoor, Member (Judicial)

1. This Company Petition has been filed by Anil Kumar Agarwal one of the Share Holders of **J. M. D. Rolls 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, West Bengal. It is stated that the name of the company was struck off on **18.06.2008**.
2. The Company was incorporated on 17.04.1998 as per the RoC Report, the petitioner has submitted that the company had not filed the balance sheet and annual returns since incorporation due to inadvertent mistake. It has also been submitted that when the directors of the company realized the mistakes, they immediately proceeded to file the Balance Sheet and Annual Return in the Portal of Ministry of Corporate Affairs and then it was understood that the Company name has been struck off from the register of companies maintained by the Registrar of Companies, West Bengal.
3. A perusal of the petition reveals that the averments in the petition are completely bald and without any supporting documents. Other than the averment that the Company could not file returns from the year 1999 due to inadvertence, there is nothing in the petition that substantiates this plea. The petitioner has also not attached any evidence, which would attest to the fact that the company has remained in business since incorporation or that it has any kind of assets.
4. Notice was sent to the RoC, who has filed the report. It has been reported that on an earlier occasion also an effort was made by the petitioner company to get itself restored by filing a Petition through another shareholder and this Tribunal vide order dated 18.07.2022 had rejected that petition. This petition is a second attempt on the doing the

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same thing as was tried earlier. Since no new facts have been brought out in this petition, there is nothing that can persuade us to take a different stand than what was taken earlier.

5. Though the petition is without limitation, there is absolutely nothing in the petition that would justify restoring the name of the company to the register of Companies maintained by RoC, West Bengal. This is a waste of court time and trying to push a petition with the self-same cause and contentions, that had been rejected earlier. Accordingly, the petitioner shall pay Rs. 5000/- as cost to be paid to RoC, West Bengal.
6. In these circumstances, **CP No. 321/KB/2022** shall stand dismissed as being without any merit. File be consigned to the record.
7. The Registry is directed to send e-mail copies of the order forthwith to all the parties inclusive of the counsel.
8. Certified Copy of this order, if applied for be issued upon compliance with all requisite formalities.

Balraj Joshi
Member (Technical)

Rohit Kapoor
Member (Judicial)

Order signed on: 02/04/2024

SSG