

**IN THE NATIONAL COMPANY LAW TRIBUNAL,  
MUMBAI BENCH- COURT III**

**Company Appeal No.: 86/252/MB/C-III/2023**

Under section 252(1) of the Companies Act, 2013

In the matter of

**TRUEHOPE HEALTH CARE PVT LTD**

Registered office at; H. No. 431-6, Opp  
J Block Park Road, Near Zoo  
Hazratganj Lucknow UP 226001

**And corporate/branch office at:**

Pritvi Nagar Aurangabad Jageer Plot  
No- 18 Bignor By Pass Lucknow UP  
226008

*.....Appellant*

Versus

**The Registrar of Companies, Mumbai**

100, Everest, Marine Drive, Mumbai-  
400002, Maharashtra

*.....Respondent*

Order delivered on: **26.04.2024**

**Coram:**

**Hon'ble Ms. Lakshmi Gurung, Member (Judicial)**

**Hon'ble Sh. Charanjeet Singh Gulati, Member (Technical)**

**Appearance:**

**For the Appellant** : PCS Abhishek Mishra

**For the Respondent** : MS. MNL, Jyotsna, AROC, Mumbai

*Per: **Sh. Charanjeet Singh Gulati, Member (T)***

**ORDER**

1. This present Petition has been filed under Section 252(1) of the Companies Act, 2013 (hereinafter as Act) by Mr. Ashish Shukla, shareholder of "**Truehope Health Care Pvt. Ltd.**" (company) praying for restoring its name in the Register of Companies maintained by the Registrar of Companies, Mumbai (hereinafter as ROC).
2. The name of the company was struck off from the Register due to non-filing of the prescribed e-form i.e. INC-20A within 180 days as required under Section 10A of Companies Act, 2013. The ROC has published a public notice for Striking off and Dissolution of Company i.e. STK - 7 dated 07.12.2022.

**Submissions from the Petitioner:**

3. The Petitioner submits that the company was incorporated on 10.12.2020 under the Companies Act, 2013. It is also submitted that the subscribers to the memorandum have paid the subscription which they had undertaken to pay at the time of incorporation of the company and the declaration. But due to lack of proper professional guidance, oversight and inadvertent reasons the company could not file the same.
4. No proceedings under Sections 210 to 229 of the Companies Act, 1956 are pending against the Company. Also no

- proceedings under Section 241 and 242 of the Companies Act, 2013 have ever been instituted against the Company.
5. The Authorised Share Capital of the Appellant Company as on 01.03.2023 is 1,00,000/- divided into 10,000 equity shares of Rs. 10/- each.
  6. The issued and subscribed capital of the Company as on 01.03.2023 is Rs. 1,00,000 divided into 10,000 Equity Shares of Rs. 10/- each.
  7. The Appellant Company has the following Directors as on date namely:
    - a) Mr. Ashish Shukla (DIN: 08991484)
    - b) Ms. Prem Shanker Shukla (DIN: 08991485)
  8. Further, the Appellant Company has the following Shareholders as on date namely:
    - a) Mr. Ashish Shukla, holding 5000 shares of Rs. 10 each;
    - b) Ms. Prem Shanker Shukla holding, 5000 shares of Rs. 10 each.
  9. The main object of the Company is as follows;
    - “1. To manufacture, formulate, process, develop, refine, import, export, wholesale and/or retail trade all kinds of pharmaceuticals, antibiotics, drugs, medicines, biologicals, nutraceuticals, healthcare, ayurvedic and dietary supplement products, medicinal preparations, vaccines, chemicals,

*chemical products, dry salters, mineral waters, wines, cordials, liquors, soups, broths and other restoratives or foods and also to deal in medicinal goods such as surgical instruments, contraceptives, photographic goods, oils, perfumes, cosmetics, patent medicines, soaps, artificial limbs, hospital requisites, surgical equipment, hospital equipment's, proprietary medicines, veterinary medicines and tinctures extracts and to carry on the business of vialling, bottling, repacking, processing of tablets, capsules, syrups, injections, ointments, etc. and also to carry on the business of chemists, druggists, buyers, sellers, agents, distributors and stockiest of all kinds of pharmaceuticals and allied products.*

*2. To carry on in India or abroad business of importers. merchants, general order suppliers, commission agents, representatives, distributors, royalty owner, contractors, auctioneers, indent agents, passage agents, factors, organisers, concessionaries, sale agents, sub agents, in connection with the business as referred to in sub-clause (1) above.”*

10. It is further submitted that in the month of July, 2022 the Company and its Directors received a notice (Form No. STK-1) having letter no. RoC Mumbai 248(1) 7734832022 dated 09.07.2022 from Registrar of Companies, Mumbai regarding dissolution of the company pursuant to section 248(1) of the Companies Act, 2013 due to non-filing of the prescribed e-

form i.e. INC-20A as required under the Section 10-A of Companies Act, 2013.

11. It is further submitted that the company is in position to file the prescribed e-form i.e. INC-20A, Financial Statements and annual return as per the directions of this Bench.
12. It is further submitted that, the Company now has all the remaining documents ready and prepared and is willing to file the same before the ROC, if so permitted. Further the Company is willing to file any other necessary document which are required by the ROC.
13. Despite giving opportunity on various occasions the ROC did not choose to file report. However, Ms. MNL Jyotsna, AROC, Mumbai submits that they have no objection in restoration of the company in the register of ROC, Mumbai.

### **FINDINGS**

14. We have heard the counsel of the appellant and AROC on behalf of ROC, Mumbai and perused record.
15. The facts and circumstances of the case show that the relevant documents which are required to be filed, are ready with the company and the company is willing to file the same, if so permitted.
16. The Appellant has enclosed copy of the Income Tax Returns for the Assessment Year 2021-22 & 2022-23, Copy of the

- Company's bank statement from 19.04.2022 to 22.02.2023 and copy of the Company's GSTR for AY 2021-2022 and 2022-23 to show that the company is in continuous operation.
17. Upon considering the facts and circumstances of this present petition, this Bench is of the view that, it would be just and fair to order restoration of the name of the company in the Register of Companies maintained by the ROC.
  18. Accordingly, this Petition is allowed. The restoration of the Company's name to the Register of Companies maintained by the ROC, is hereby ordered, with a direction that the Company shall comply with the Provisions of the Act and further it will be subject to payment of costs of **Rs. 25,000/-** for each defaulted year to be paid online to the **Consolidation Fund of India through Bharat Kosh** and submit proof of the same to the concerned ROC, as and when the order gets uploaded on the site of this Tribunal and in any case within two weeks of uploading of this order on the site of this Tribunal. Consequentially thereupon the Bank Account/s if freezed shall get defreezed and to be operated by the Company.
  19. The ROC shall give effect of this Order only after perusal of the Compliance report of cost imposed. The Company is directed to file all the required financial documents upto date and shall fulfil other relevant statutory compliances within 30 days from Restoration of its name in the Register of Companies maintained by ROC.

20. This order is confined to the violation, which ultimately led to the action of striking of the Company, and it will not come in the way of ROC to take appropriate actions(s) in accordance with law for violation/offense, if any, committed by the appellant company prior to or during the striking of the Company.
21. Urgent certified copy of this order, if applied for, be issued upon compliance with all requisite formalities.
22. Company Appeal No. 86/252/MB/2023 stands **allowed** and **disposed of** in above terms.

“File to be consigned to Record”

Sd/-  
CHARANJEET SINGH GULATI  
Member (Technical)  
---Rajeev---

Sd/-  
LAKSHMI GURUNG  
Member (Judicial)