

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
BENGALURU BENCH, BENGALURU**  
*(Through Physical Hearing/VC Mode (Hybrid))*

**C.P.No.122/BB/2023**

U/s. 252 (3) of the Companies Act, 2013

R/w. Rule 87A of National Company Law Tribunal Rules, 2016

**IN THE MATTER OF:**

**Mr. Chikkamuniyappa Ravi Kumar**

*Shareholder of NPC Foods (OPC) Pvt. Ltd.*

No.7/10/7, 2<sup>nd</sup> Floor, NPC Tower,

Above Canara Bank, Akshaya Nagar,

Yelenahalli, Begur Hobli,

Bengaluru – 560 068.

- Petitioner/Applicant

**AND**

**The Registrar of Companies, Bengaluru**

'E' Wing, 2<sup>nd</sup> Floor,

Kendriya Sadana, Koramangala,

Bengaluru - 560 034.

- Respondent

**Order delivered on: 02<sup>nd</sup> May, 2024**

**CORAM:** 1. Hon'ble Shri K. Biswal Member (Judicial)  
2. Hon'ble Shri Manoj Kumar Dubey, Member (Technical)

**PRESENT:**

For the Petitioner : Shri Ishmavel Jacob., PCS

**ORDER**

**Per: K. Biswal, Member (Judicial)**

1. This Petition has been filed on 01.09.2023 by **Mr. Chikkamuniyappa Ravi Kumar**, Sole Shareholder and Director of **M/s. NPC Foods (OPC) Private Limited** (hereinafter referred to as the Applicants/Petitioners/Company') under Section 252 (3) of the Companies Act, 2013 (hereinafter referred to as the Act) R/w. Rule 87A of the National Company Law Tribunal Rules, 2016, seeking relief against the Registrar of Companies, Bengaluru (herein after referred to as the

'RoC/Respondent') name of the Company in the Register of Companies maintained by the Registrar of Companies, Bengaluru.

2. The brief facts of the case as follows;
  - 2.1 The Petitioner Company was incorporated on 26.03.2019 with the Registrar of Companies, Bengaluru bearing CIN: U55109KA2019OPC122700 and having its registered office at No. 7/10/7, 2nd Floor, NPC Tower, Above Canara Bank, Akshaya Nagar, Yelenahalli, Begur Hobli, Bengaluru. The Authorized Share Capital is Rs.1,00,000/- divided into 10,000 Equity Shares of Rs.10/- and Paid-up Capital is Rs.1,00,000/- divided into 10,000 Equity Shares of Rs.10/- each. The main objects of the Company are, *inter alia*, to carry on the business of hotel, restaurant, cafe, refreshment rooms, and depots for the sale of bread, biscuits, tea, coffee, cocoa, milk, confectionery, cakes, buns, sweets, goods or drinks and any other provisions etc.
  - 2.2 It is stated in the Petition that the Respondent has initiated proceedings under Section 248 of the Companies Act, 2013 vide Public Notice in Form STK-5 dated 26.07.2017 and subsequently struck-off the Applicant's name vide Notice No.ROCB/STK-7/3799/2022 in Form No. STK-7 dated 15.11.2022, due to non-filing of the INC-20A for declaration of commencement of business under Section 10A of the Companies Act, 2013 nor filed Application U/s.455 of the Companies Act, 2013. Therefore, the Respondent had issued notices in Form STK-1 and STK-5.
  - 2.3 It is further stated in the Petition that the Company has been carrying on business since the date of incorporation. However, due to lack of professional support and technical knowledge, the Petitioner Company did not able to furnish any representation along with copies of relevant documents/objections to that notices and due to default in non-filing of form INC-20A. Hence this Application.
3. Upon notice, the RoC has filed its counter affidavit vide Diary No.6265 dated 14.12.2023, by *inter alia* pointed out following observations:

*"4. It is submitted that on verification of the MCA 21 portal when action under section 248(1) of the Companies Act, 2013 (hereafter called as*

*the 'Act') was initiated against the eligible companies, it was seen that the Petitioner Company has not filed INC-20A for declaration of commencement of business under Section 10A of Companies Act, 2013. Therefore, the Respondent had reasonable cause to believe that the Petitioner Company was not carrying on any business or operation and therefore a notice in Form STK-1 and STK-5 were issued.*

*5. In the said STK-1 notice that was sent to the Company and to the Directors of the Company, it was inter alia mentioned that the Petitioner Company has not filed the INC-20A, a declaration for commencement of business with a period of 180 days of the date of incorporation nor has filed application under Section 455 of the Companies Act, 2013 and that the Respondent intended to strike off the name of the Company from the Register of Companies as per Section 248 of the said Act, unless a cause was shown to the contrary within 30 days from the date of receipt of the STK-1 notice.*

*6. It is submitted that since no cause was shown either to the physical notices or to the website, Gazette and newspaper notices either by the Company or its Directors, and also since no declaration of commencement of business (INC-20A) was filed by the Petitioner Company till the day on which the list of defaulting Companies were crystalized, the Respondent proceeded to strike off the name of the Company with effect from 15.11.2022 and the Registrar of Companies had published a Notice in STK-7 in the Official Gazette on 19.11.2022 stating the names of the Companies mentioned therein including the Petitioner Company which have been struck off from the Register of Companies as per Sec.248 (5) of the Act. The Respondent has complied with all the procedure prescribed under section 248 of the Companies Act, 2013 before removal of the name from the register.*

*7. The Petitioner Company states that the Petitioner Company was not able to furnish any representation along with the copies of the relevant documents/objections to that notices due to oversight and due to defaults in non-filing of form-INC-20A under section 10A of the Companies Act, 2013, the Registrar of Companies initiate proceedings under section 248(5) of the Companies Act, 2013. Further states that Petitioner undertakes to comply with the provisions of the Companies Act, 2013 and undertakes to file pending form INC-20A and Annual Returns and Balance Sheets with the Respondent regularly.*

*8. It is submitted that there is no inquiry, investigation, and complaints pending against this Company. It is not known whether any disputes in the management of the Company/cases are pending in court matters.*

*9. The Petitioner has prayed that the name of the Company be restored to the Register of Companies under Section 252 of the said Act. In view of the prayer by the Petitioner Company, and subject to the satisfaction of this Hon'ble Tribunal and in the event of this Hon'ble Tribunal willing*

*to revive the Company, the Respondent humbly prays that this Hon'ble Tribunal may kindly,*

*(a) Direct the Petitioner to undertake to file all overdue returns up to date, within 30 days, in the MCA 21 Portal from the date of the order of Hon'ble NCLT reviving the Company and comply with the provisions of the Companies Act, 2013.*

*(b) The DIN of the disqualified Directors may not be ordered for activation as the matter about disqualification as a matter regarding DIN deactivation made by the Ministry by invoking section 164(2)(a) read with 167 of the Companies Act, 2013 is before the various High Courts including the Division Bench of the Hon'ble High Court of Karnataka.*

*(c) Direct the Petitioner to pay cost as decided by this Hon'ble Tribunal to be paid online to the Account of Central Government, Ministry of Corporate Affairs, towards the expenses incurred by the Respondent in initiating action under Section 248 of the Companies Act, 2013.*

*(d) The Registrar of Companies has incurred huge cost for striking off the Company due to default in filing statutory documents which includes manpower, advertisement, statutory cost, postal charges etc. it is requested that reasonable cost may be imposed upon the Petitioner herein and direct the Petitioner to pay cost as decided by this Hon'ble Tribunal to be paid online to the Account of Central Government, Ministry of Corporate Affairs, towards the expenses incurred by the Respondent in initiating action under Section 248 of the Companies Act, 2013.*

*(e) The revival order may be treated as automatically vacated, if the above compliances are not made within a maximum period of 30 days from the date of receipt of the Order by the Petitioner”.*

4. In response to the aforesaid ROC report, the learned PCS has filed reply-affidavit vide Dy.No.6316 dated 15.12.2023.
5. Heard Shri Ishmavel Jacob, Ld. PCS for the Applicant/Petitioner. We have carefully perused the pleadings of the parties and extant provisions of the Act, and the Rules made thereunder and also considered the plea of the Petitioner and the RoC/Respondent.
6. Hence, upon considering the facts and circumstances of the present Petition, this Bench is of the view that it would be just and proper to restore the name of the Company in the Register of Companies maintained by the RoC.

7. 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 (1) Rs.1,25,000/- to be paid in favour of "Pay and Accounts Officer, Ministry of Corporate Affairs, Chennai", through MCA website; (2) Rs.75,000/- to be paid in favour of "The Prime Minister's National Relief Fund", within three weeks from the date of receipt of the duly certified copy of this order. The Petitioner is directed to file all overdue statutory returns of the Company, within 30 days, in the MCA 21 Portal.
8. The RoC shall give effect to this Order only after perusal of the compliance report of the cost imposed. The Petitioner Company is directed to file all the required documents and shall fulfil all the other relevant statutory compliances, as desired in RoC's report, such as under Provisions of Companies Act, 2013 and the Income Tax Act, 1961, etc., in accordance with Law within 30 days from restoration of its name in the Register of Companies maintained by the Registrar of Companies.
9. Copy of this Order be communicated to the Petitioner and the Registrar of Companies, Karnataka.
10. Accordingly, **C.P. No.122/BB/2023 is disposed of.**

**-Sd-**  
**MANOJ KUMAR DUBEY**  
**MEMBER (TECHNICAL)**

**-Sd-**  
**K. BISWAL**  
**MEMBER (JUDICIAL)**