

**IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH (COURT- I) CHENNAI**

ATTENDANCE CUM ORDER SHEET OF THE HEARING
HELD ON **09.05.2024** THROUGH VIDEO CONFERENCING

PRESENT: HON'BLE SHRI. SANJIV JAIN, MEMBER (JUDICIAL)
HON'BLE SHRI. VENKATARAMAN SUBRAMANIAM, MEMBER (TECHNICAL)

APPLICATION NUMBER : CA/411/2019
PETITION NUMBER :
NAME OF THE PETITIONER(S) : General Traders
NAME OF THE RESPONDENTS : Varnam Printing Inks Pvt Ltd
UNDER SECTION : Sec 252 of CA, 2013

ORDER

Present: None for the Applicant.

None for the Respondent.

Vide separate order announced in Open Court, the application is allowed and the company is revived.

File be consigned to records.

Sd/-

(VENKATARAMAN SUBRAMANIAM)
MEMBER (TECHNICAL)

MG

Sd/-

(SANJIV JAIN)
MEMBER (JUDICIAL)

**IN THE NATIONAL COMPANY LAW TRIBUNAL,
DIVISION BENCH – I, CHENNAI
CA/411/CHE/2019**

Under Section 252(3) of the Companies Act, 2013

In the matter of *Varnam Printing Inks Private Limited*

**M/s General Traders,
(a Partnership Firm)**

Rep. by its Managing Partner,
M.Sudarshan,
No.45/97, N.R.K.Rajarathinam Street,
Sivakasi-626 123

... *Appellant*

-Vs-

**1. M/s. Varanam Printing Inks Private Limited,
CIN:**

G3, Industrial Estate,
Ambattur Chennai-600 058

... *Respondent 1*

2. K.R. Rajesh Kumar,

S/o Late K.Raghavan,
New No.25, Old No.28,
South Beach Avenue,
MRC Nagar, Chennai- 600028

... *Respondent 2*

3. K.R.Ranjiv Raghav,

S/o. Late K.Raghavan,
New No.25, Old No.28,
South Beach Avenue,
MRC Nagar, Chennai- 600028

... *Respondent 3*

4. K.Nalini Raghavan,

W/o. Late K.Raghavan,
New No.25, Old No.28,
South Beach Avenue,
MRC Nagar, Chennai- 600028

... *Respondent 4*

5. K.R.Reshma Sawini,

W/o. S.Sujit Kumar
New No.25, Old No.28,
South Beach Avenue,
MRC Nagar, Chennai- 600028

... *Respondent 5*

6. The Registrar,
Registrar of Companies,
Shastri Bhavan, Haddows Road,
Chennai-600034

... Respondent 6

Order pronounced on **09th May, 2024**

CORAM

SANJIV JAIN, MEMBER (JUDICIAL)
VENKATARAMAN SUBRAMANIAM, MEMBER (TECHNICAL)

For Appellant : Vaiduriya, Advocate

For Respondents: Avinash Krishnan Ravi, Advocate for R6

ORDER

This Application has been filed by **M/s. General Traders(Partnership Firm)** in the capacity as a **Creditor** of the Company namely, **M/s. Varnam Printing Inks Private Limited** (hereinafter referred to as "**the Company**") under Section 252(3) of the Companies Act, 2013 aggrieved against the order of strike off carried out by the 6th Respondent namely, the Registrar of Companies, Chennai under Section 248 of the Companies Act, 2013, seeking thereof to restore the name of the Company in the Register maintained by the Respondent/RoC.

2. The brief facts of the matter are tabulated below:-

S. NO.	PARTICULARS OF STRUCK OFF COMPANY	FACT
a)	Name of Company	Varnam Printing Inks Pvt. Ltd.
b)	Registered Office Address	G3, Industrial Estate, Ambattur Chennai-600 058
c)	CIN	U22219TN1989PTC017037
d)	STK-7 Date	30.08.2018
e)	Reason of Strike Off	Application filed by Respondent 1 under Section 248(2)

3. It is stated that, the Appellant is a firm engaged in the business of selling pigments, chemicals, powders, processed linseed oils, petroleum products and synthetic resins for manufacture of printing inks etc., having been registered as No.26/84 dated 10.02.1984 on the file of the Registrar of Firms, Virudhunagar.

4. It is stated that, the Respondent 1 Company namely *VARNAM PRINTING INKS PRIVATE LIMITED* had approached the Petitioner Company through its four directors, viz., Respondent 1 to 4, for supply of raw materials on credit basis to manufacture printing inks.

5. It is stated that, the Respondents 1 to 5 are having their business at Ambattur and they used to purchase the raw materials from the appellant through their head office at Sivakasi and also its Branch office at Chennai. It is further stated that, the appellant has been maintaining accounts in the office in the regular course of business and there remains a balance of Rs.8,22,178/- towards ledger principal amount; in addition to the principal amount a sum of Rs. 2,82,796/- towards interest as on 15.12.2009 is due and payable to the appellant by the Respondents 1 to 5.

6. It is stated that, the appellant filed a petition before the Honourable High Court in CP No 9 of 2010 for winding up of the first respondent company, under Section 433(e),(f), 434 and 391(1)(v) of Companies Act, 1956 against the Respondent 1 to 5, however the case was transferred to

this Tribunal and renumbered as TCP/362/IB/2017. Subsequently, the said petition was abated on 31.07.2017 as per the provisions of the IB code, 2016.

7. It is stated that the Appellant subsequently filed a Section 9 and Rule 6 of the Insolvency and Bankruptcy code, 2016 petition against the Corporate Debtor before this Tribunal and the said Petition was numbered as CP(IB)/363/CHE/2018. It is further stated that, the Respondents herein had entered appearance in the CP/363/IB(CHE)/2018 and undertook to clear the dues.

8. It is further stated that, on 24.10.2018 the Appellant came to know that the Respondent No.1 Company's name was struck off from the Register maintained by the 6th Respondent through order dated 30.08.2018 passed by the 6th Respondent. Hence, the CP/363/IB(CHE)/2018 was dismissed on the account that the Respondent 1 name is struck off from the Register maintained by the 6th Respondent.

9. Thus, the Applicant has filed the present Application under Section 252 of the Companies Act, 2013 in the capacity as a Creditor of the struck off Company, seeking thereof to restore the name of the Company in the Register maintained by the 6th Respondent/RoC.

10. This Tribunal vide order dated 30.04.2019 directed the Appellant to send private notice to the Respondents and file affidavit of Proof of service. In compliance with the order, the Appellant filed an Affidavit of Proof of service of notice on R1 to R5. The envelopes returned in relation to R1 to R3 as '*no such Company*' and '*unclaimed*'. Hence, this Tribunal set the Respondent no 4 and 5 as Exparte vide order dated 24.07.2019. Further, in relation to R1 to R3, the Appellant was directed to cause a publication of notice in the newspapers in English and in Vernacular language. Further, on 12.09.2019, the Appellant filed an affidavit along with proof of Service of notice published in newspapers on 08.08.2019. Hence, this Tribunal vide order dated 12.09.2019 set the Respondent 1 ,2 & 3 exparte.

11. Despite giving multiple opportunities for the 6th Respondent to file reply, but failed to do so. Hence, this Tribunal vide order dated 02.05.2024 has closed the 6th Respondent/RoC right to file reply.

12. In order to show that the Appellant is the Creditor of the struck off Company, the Applicant has filed the Order of this Tribunal in Petition CP/363/IB(CHE)/2018 dated 10.09.2018, wherein the Respondent 1,herein, had acknowledged the debt and agreed to pay the principal amount.

13. We are of the considered opinion that this company should be restored to protect the interest of the Appellant. We order accordingly

ORDER

(i) The Registrar of Companies, Coimbatore, the respondent herein, is directed to restore the original status of the Company i.e. **M/s.Varnam Printing Inks Private Limited** as if the name of the Company has not been struck off from the Register of Companies with resultant and consequential actions like changing status of Company from "strike off" to "Active";

(ii) The Appellant is permitted to deliver a certified copy of this order with RoC, Coimbatore within 30 days of the receipt of this order;

(iii) On such delivery and after duly complying with above directions, the Registrar of Companies, Coimbatore is directed to, on office name and seal, publish the Order in the Official Gazette, and

(iv) This Order is confined to the violations, which ultimately lead to the impugned action of "striking off" of the Company, and it will not come in the way of RoC, Coimbatore to take appropriate action(s) in accordance with law, other violations/offenses, if any, committed by the company prior to or during the "striking off" period of the company.

14. Accordingly, **CA/411/2019** is disposed of.

-Sd-

VENKATARAMAN SUBRAMANIAM
MEMBER (TECHNICAL)

-Sd-

SANJIV JAIN
MEMBER (JUDICIAL)

Kishore P