

**IN THE NATIONAL COMPANY LAW TRIBUNAL,
DIVISION BENCH – I, CHENNAI**

Com.Appeal/23/CHE/2023

Under Section 252(3) of the Companies Act, 2013 read with Rule 11 & 87 of
NCLT Rules, 2016

In the matter of *SLTT India Private Limited*

Mr.SURESH,
SHAREHOLDER/DIRECTOR OF SLTT INDIA PRIVATE LIMITED
CIN: U63030TN2021PTC140806
Residing at No.40, Buddar Colony 3rd Street,
Karambakkam, Porur, Tiruvalluvar District,
Chennai – 600 116

... Applicant

-Vs-

REGISTRAR OF COMPANIES, CHENNAI
1st Floor, Shastri Bhavan,
26, Haddows Road,
Chennai – 600 006

... Respondent

Order pronounced on 19th February, 2024

Present:

For Applicant : Savitha G, Advocate

For Respondent: Avinash Krishnan Ravi, Advocate

CORAM

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

ORDER

(Hearing Conducted through VC)

This Application has been filed by **Mr.Suresh** in the capacity as a
Director/Shareholder of the Company namely, **SLTT India Private**

Limited under Section 252(3) of the Companies Act, 2013 aggrieved against the order of strike off carried out by the 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	FACT
a)	Name of Company	SLTT India Private Limited
b)	CIN No.	U63030TN2021PTC140806
c)	Date of Incorporation	18.01.2021
d)	Registered Office Address	No.4/8, Buddar Colony 3 rd Street, Karambakkam, Porur, Tiruvalluvar District
e)	Date of STK-7	26.10.2022
f)	Reason of Strike Off	Non filing of INC-20A as per Section 10A(1) of Companies Act, 2013

3. The main object of the Company is *to encourage and provide the business as package tour operators, daily passenger service operators, tour operators, daily passenger service operators, tour operators, travel agents, shop booking agents, railway ticket booking agents, airlines ticket booking agents, carrier service agents, courier service agents and other such related business activity of the company.* The details of the main object are set out in the Memorandum of Association which has been filed along with the typed set of documents.

4. It is stated that Company was carrying on the business of operation right from the beginning and the Company has promptly paid its Income Tax and filed IT returns for the year 2021-2022. The Copies have been filed along with the typeset documents of Application in **Annexure-2**.

5. The reason for non-filing of returns is that due to the 2nd wave of COVID-19 pandemic that emerged in 2021 and the widespread lockdowns and restrictions imposed throughout the country, the Company was not able to actively hire employees, engage professionals and entrust all the statutory compliances required to be done by the Company. Further it is averred that, the Company has not filed its statutory returns including form INC-20A, the financials and all other required returns right from its incorporation due to lack of co-ordination with professional on the outbreak of Covid-19 pandemic.

6. It is stated that, inspite of the challenges faced by travel and tourism industry after Covid-19 pandemic, the Company is actively engaged in its business activity and has managed to get Rs.45,914/- as revenue from operations. The copy of the Audited Financial Statements

of the Company for the year ending 31.03.2022 has been filed as **Annexure-4** with the typeset documents of the Application.

7. It is stated that, the Company has been conducting business since its inception and the same could be understood from the bank statements of the Company which has been filed as **Annexure 5** to this Application.

8. It is stated that, the failure to file Form INC-20A and balance sheets from the financial years ending 31.03.2022 is neither wilful nor wanton but was only on the account of Covid-19 pandemic and the Company's inability to engage the professionals.

9. It is stated that due to the Company being struck off, the business being conducted is completely distressed and the reputation of the company is completely affected. It is further averred that, the Company is carrying on the business of providing service to the General Public and it will be a great opportunity if its name is revived from the status of being struck off under the records of Respondent.

10. Upon notice, the Respondent/RoC has filed the Report. It is stated that, the company has not paid the subscription which they had undertaken to pay at the time of incorporation of a company and a declaration to this effect has not been filed within hundred and eighty days of its incorporation under sub-section (1) of Section 10A in form INC-20A thereby failing to comply with the procedures of incorporation. It is stated that such non-compliance of filing the INC-20A led the Respondents to issue a strike off order under Section 248 of Companies Act, 2013.

11. It is stated that it is the statutory duty of every company and its directors to file the financial statements for every financial year with the RoC. In this case, the company has failed to do so.

12. We have considered the plea of the Applicant Company and the Respondent/RoC as well. The Applicant is seeking restoration of its name in the register as maintained by RoC. In order to sustain the said plea, the Applicant has placed the followings as Annexure in the Application typeset:

(i) Copy of Income Tax Returns (acknowledgment) filed by the company for the Financial Years 2021-2022 (**Annexure- 2**).

(ii) Copy of GST returns of the Company for 2022-2023 (**Annexure- 3**).

(iii) Copies of Audited Financial Statements of the Company for the years ending 31.03.2022 (**Annexure- 4**).

(iv) Copy of Bank Statement of the company for the period Jan 2021 – Aug 2023 (**Annexure- 5**).

13. Upon perusal of the documents, more particularly, the Copy of Income Tax Returns of the company for the Financial Year 2021-2022 and the Copy of Bank Statement of the company for the period Jan 2021 – Aug 2023, it is seen that the Company was active and carrying on its business activities from the date of incorporation till the date of strike off.

14. Taking into consideration the provisions of Section 252 of the Companies Act, 2013 which vests this Tribunal with discretion to restore the Company whose name has been struck off, keeping in consideration that it is just to do so, we restore the name of the Company in the register. The Application is allowed subject to the following directions namely:

- (i) The Registrar of Companies/Respondent is ordered to restore the original status of the Applicant Company viz. **SLTT INDIA 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 the status of Company from “strike off” to “Active”

- (ii) The Company shall within a period of 30 days from the restoration of the Applicant Company’s name in the register being maintained by the RoC, the Applicant/ petitioner will file *inter alia* its annual returns and balance sheets as well other compliances statutorily required to be made under the Companies Act, 2013 for the period from which there has been default with requisite charges/fees as well as additional fee/late charges.
- (iii) That the Restoration of the Company’s name is also subject to the payment of cost of **₹1,00,000 (Rupees One Lakh Only/-)** volunteered by the Counsel for the Petitioner through online payment in www.mca.gov.in under miscellaneous fees by mentioning the particulars as “payment of cost for revival of Company”.
- (iv) That the Restoration of the Company’s name is also subject to filing of a declaration under Section 10A of the Companies Act, 2013 within a period of 30 days from the date of this order.
- (v) Till all compliances are made by the Company, the Company shall not alienate or dispose of any of its valuable assets.
- (vi) It is further observed that by virtue of this order of restoration of the name of Company in the register it will not entitle the Directors of the Company whose names in case have been disqualified by virtue of provisions of Section 164 of the Companies Act, 2013 by the Respondent/RoC automatically to be restored to directorship except in accordance with law.
- (vii) An affidavit of compliance of the aforesaid directions shall be filed by the Applicant within a period of 2 months from the date of this order.
- (viii) Further, this order allowing the Application shall also not circumscribe the power of the respondent to proceed against the

Appellant Company and its Directors as mandated for alleged late filing of any forms, documents, returns and such other compliance under the provisions of Companies Act, 2013.

15. This Application stands **allowed** on the aforementioned terms.

-Sd-

VENKATARAMAN SUBRAMANIAM
MEMBER (TECHNICAL)

-Sd-

SANJIV JAIN
MEMBER (JUDICIAL)

Kishore P