

(2023) 10 NCLT CK 0095

National Company Law Tribunal, New Delhi Court V

Case No: Company Appeal No.12/252/ND/2023

Sanjay Goel

APPELLANT

Vs

Registrar Of Companies Nct Of
Delhi And Haryana

RESPONDENT

Date of Decision: Oct. 30, 2023

Acts Referred:

- Companies Act, 2013 - Section 252, 252(3)

Hon'ble Judges: Mahendra Khandelwal, Member (J); Dr. Sanjeev Ranjan, Member (T)

Bench: Division Bench

Advocate: Sharad Rajwanshi, Ankita Sharma, Shankari Mishra

Final Decision: Disposed Of

Judgement

Rahul Bhatnagar, Hon'ble Member (Technical)

1. The present appeal has been filed by Mr Sanjay Goel and Mr. Sachin Goel the Shareholders and directors of Chazer Footcare private limited (for brevity "Company") under Section 252 (3) of the Companies Act, 2013 for restoration of name of the Chazer Footcare private limited, in the Register of Companies maintained by the Registrar of Company "RoC", Respondent No. 1.

2. As per the averments, the Appellant Company i.e. Chazer Footcare Private Limited was initially incorporated in 24.06.2014 in the name of Shri Ambey Footcare Private Limited which was later changed from Shri Ambey Footcare Private Limited to Chazer Footcare Private Limited and a fresh Certificate of Incorporation was issued on 20.11.2017 and has its registered office at Commercial Shop Bearing No. 142, First Floor, R.G Mall, Sector 9, Rohini, Northwest, Delhi 1110085 having CIN No.U25193DL2014PTC268237. The authorized capital of the Appellant Company is

Rs.50,00,000/- and paid up share capital of Rs.30,00,000/-

3. The Appellant Company has two directors as below:

S. No.	Name Of Shareholder	No. of Shareholder
1	Sachin Goel	1,50,000
2	Sanjay Goel	1,50,000
	Total Equity Share @ Rs. 10/-each	3,00,000

4. Further the Appellant submitted that the main objects of the Appellant Company are to purchase, sell, export, import, manufacture, repair or otherwise deal in all types of boots, shoe, clogs, all kinds of footwear, rubber and plastic goods, boots, trees, laces, buckles, leggings, boot polishers, purses, bags, boxes, belts, accessories and fittings etc. It is further submitted that the time when the Appellant Company was declared defunct, the Company was very much doing its business as per the objects

5. It is further submitted by the Appellant Company that at the time of declaring the Company as 'defunct' it had various assets including Sundry Debtors, Vehicles, Trademarks and Bank Balance in its current account and unless the Company is restored; the assets would become infructuous and Appellant Company will lead to huge financial loss to the Company and its stakeholders and the economy as well.

6. Vide Proceedings initiated by the office of the RoC, names of several companies were struck off for want of filing Statutory Returns. Appellant Company, which had not filed any Return or Financial Statement, was duly struck off from the Register of Companies vide STK-7 dated 20.04.2022.

7. Vide order dated 22.03.2023, Appellant No. 1 i.e. Sanjay Goel was directed to support the instant application with the help of consent affidavit from the second shareholder of the Company. In compliance of the order 22.03.2023 the Appellant No. 1 has filed the consent from second shareholder to support the present application from second shareholder i.e Sachin Goel and filed its affidavit dated 24.03.2023 and the same has been taken on record on dated 29.03.2023.

8. Upon notice, Registrar of Company "RoC" has not filed any reply but submitted that subject to filing of the necessary documents by the Appellant they have no objection, if the Company is revived as recorded in order dated 13.09.2023.

9. The Income Tax Department has not appeared and no reply has been filed despite several notices and opportunity given to the Income Tax Department.

10. That the Appellants undertake that the Appellant Company will be more cautious and vigilant with regard to the corporate matters and Compliance of the applicable Acts.

11. The provisions pertaining to restoration of the name of the company have been provided in Section 252 of the Companies Act, 2013 wherein it is provided that, if it is just and equitable to restore the name of the company in the Registrar of Companies, it may direct the RoC to restore the name in its Register.

12. Considering the facts and circumstances of the present case, we are of the considered view that it is just and proper to restore the name of the company to the Registrar of Companies as maintained by the ROC

13. Accordingly, the appeal is allowed, and name of the Appellant company is restored subject to payment of costs of Rs.25,000/- to the Registrar of Companies. The restoration of the Appellant Company's name in the Register will be subject to their filing all outstanding documents for the defaulting years as required by law and completion of all formalities, including payment of any late fee or other charges which are leviable by the respondent for the late filing of statutory returns. The name of the Appellant Company i.e Chazer Footcare Private Limited shall then stand restored in the Register of Companies (RoC), as if its name of the Appellant Company had not been struck off.

14. The appeal is disposed of accordingly.

15. Let the copy of the order be served to the parties.