

**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**INDORE BENCH AT AHMEDABAD**

ITEM No. 106  
Appeal/2(IND) 2021

**Order under Section 252(3)**

**IN THE MATTER OF:**

Shubhomoy Ganguly  
(Task Agri Tech Pvt Ltd)  
V/s  
ROC Gwalior MP

.....Applicant

.....Respondent

**Order delivered on ..18/08/2021**

**Coram:**

Dr. Deepti Mukesh, Hon'ble Member(J)  
Mr. Virendra Kumar Gupta, Hon'ble Member(T)

**PRESENT:**

For the Applicant :  
For the Respondent :

**ORDER**

The case is fixed for pronouncement of order.

The order is pronounced in open court vide separate sheet.

  
VIRENDRA KUMAR GUPTA  
MEMBER (TECHNICAL)

Sweta

  
DR. DEEPTI MUKESH  
MEMBER (JUDICIAL)

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
INDORE BENCH  
AT AHMEDABAD**

**Co. Appeal (MP) 2 of 2021**

**(A Company appeal under section 252 (3) of Companies Act, 2013  
read with Rule 87A of NCLT, 2016 for restoration the name of the  
struck of Company)**

**In the matter of:**

**Mr. Shubhomoy Ganguly**

(Director of the Company)

104 D K Gold Apartment,

Gulmohar Colony E-8,

Shahpura Bhopal – 462016 (MP)

**.....Appellant**

**Versus**

**The Registrar of Companies, Gwalior**

Having a registered office at;

3<sup>rd</sup> Floor, 'A' Block,

Sanjay Complex, Jayendra Ganj,

Gwalior, Madhya Pradesh.

**.....Respondent**

**Order Pronounced on: 18 August 2021**

**CORAM:**

**DR. DEEPTI MUKESH**

**HON'BLE MEMBER (Judicial)**

**MR. VIRENDRA KUMAR GUPTA**

**HON'BLE MEMBER (Technical)**

**MEMO OF PARTIES**

**Mr. Shubhomoy Ganguly**

(Director of the Company)  
104 D K Gold Apartment,  
Gulmohar Colony E-8,  
Shahpura Bhopal – 462016 (MP)

**.....Appellant**

**Versus**

**The Registrar of Companies, Gwalior**

Having a registered office at;  
3<sup>rd</sup> Floor, 'A' Block,  
Sanjay Complex, Jayendra Ganj,  
Gwalior, Madhya Pradesh.

**.....Respondent**

**Appearance:**

Learned Counsel Mr. Hardik Paranjape, appeared for the Appellant.

None for the Respondent,

**[Per Bench]**

1. This appeal has been filed under Section 252(3) of the Companies Act, 2013 for restoration of the name of the struck-off company i.e. **M/s. Task Agri Tech Pvt. Ltd.** (hereinafter referred to as "**the Company**") in the Register of Companies maintained by the ROC, Gwalior, Madhya Pradesh.
2. The facts, in brief, are that Company was incorporated on **15.03.1995** with CIN: U74140MP1995PTC009180, the company has an authorized share capital of Rs. 2,50,000/- divided into

2500 equity shares for Rs. 100/- each. The present issued, subscribed, and paid-up share capital of the Company is Rs. 1,00,000/- lakh divided into 1000 shares for Rs. 100/- each. The registered office of the company is G-5, Shopping Complex Char, Imli, Bhopal, Madhya Pradesh. Hence, the jurisdiction of the Company falls under the Jurisdiction of NCLT Indore Bench.

3. The Company is a Private Limited Company incorporate with an object to carry on the business as advisors and consultants in agriculture and horticulture. The Company did not file its Annual Returns and Financial Statements since F.Y. 2015-16 which resulted in belief on the part of the Registrar of Company (ROC) that the company was neither carrying on business nor was in operation. This belief was further strengthened due to the fact that the company had not taken the status of the dormant company under Section 455 of the Companies Act, 2013. Accordingly, Registrar of Companies, Gwalior after complying with statutory formalities as specified under Section 248(1) struck off the name of the company on 08.08.2018 by publishing the form STK-7 No. ROC-G/248(5)/2018/4940.
4. Learned Counsel appearing on behalf of the Appellant submitted that due to difficult conditions in the industry and heavy losses, the company had to discontinue the business with an intention to run the business in the future in a better business environment. Meanwhile, the ROC had started the proceedings under section 148 of the Companies Act, 2013 (hereinafter referred to as **"The**

**Act”)**, and the name of the company was struck off by the ROC on 08.08.2018.

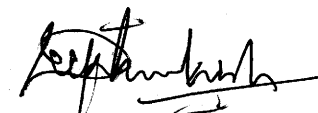
5. The appellant companies submitted that the company is a going concern and has also filed the Income Tax Return for AY 2018-19 and 2019-20. The total tax paid for AY 2018-19 is Rs. 61860/- The same is annexed with the appeal. The counsel of the appellant company further submitted that the company has earned the revenue to the tune of Rs. 3,093,033/- for FY 2017-18 and Rs. 4,090,741/- for FY 2018-19. A copy of the Balance Sheets is Annexed with the appeal.
6. Learned Counsel further states that inadvertently the appellant-Company failed to file Annual Returns and Financial Statements since F.Y. 2015-16 though the company was in operation and carrying on business at the time of striking the name from the Register i.e. 08.08.2018. Accordingly, the appellant prayed for the restoration of the name of the company in the Register maintained by the ROC (MP).
7. ROC report is not on record. We decide the matter on the basis of material available on the records and submissions.
8. We have considered the submissions made and the material available on record. From the records produced before us, it is noted that Company has filed the Income Tax Returns for A.Y. 2018-19, showing revenue from operations, indicating that the Company is in operation. On perusal of the balance sheet for the year ended 2017-18, it is noted that the company has a total

liability to the tune of Rs. 9,55,215/- and Rs. 7,68,542/- respectively, and having assets of Rs. 9,55,215/- and Rs. 7,68,542/- respectively. It is also noted that the company has regenerated the revenue from the operational to the tune of Rs. 3,093,033/-. In view of the above facts, we consider that sufficient evidence is shown for the company being in operation prior to strike off and allow to restore the name of the company in the Register of Companies from the date of its striking off subject to payment of cost for non-compliance of rules relating to filing the Statutory Returns and Audited Financial Statements. We allow the appeal with the following directions;

- (i) The Registrar of Companies, Gwalior, Madhya Pradesh the respondent herein, is ordered to restore the original status of the Company 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 'Struck off' to Active.
- (ii) The appellant is directed to file all pending statutory document(s) including Annual Accounts and Annual returns for the financial years in default along with prescribed fees/additional fee/fine as prescribed under the Companies Act, 2013.
- (iv) The restoration of the Company's name is subject to the payment of a cost of **Rs. 25,000/- (Rupees Twenty Five Thousand Only) to be** paid in Prime Minister Relief Fund.
- (v) The Appellant is directed to deliver a certified copy of this order with ROC within thirty days of the receipt of this order as per the provisions of the Companies Act, 2013;

- (vi) On such delivery and after duly complying with above directions, the Registrar of Companies, Gwalior, Madhya Pradesh, is directed to, on his official name and seal, publish the order in the Official Gazette;
- (vii) This order will not come in the way of ROC to take appropriate action(s) in accordance with the law, for any other violations/offenses, if any, committed by the Applicant Company prior, or during the striking off of the company.
9. The Company Appeal is allowed and disposed of accordingly.
10. Urgent certified copy of this order, if applied for, be issued upon compliance with all requisite formalities.

  
**(VIRENDRA KUMAR GUPTA)**  
**MEMBER (T)**

  
**(DR. DEEPTI MUKESH)**  
**MEMBER (J)**

RB