

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

**CA/1067/(252)/2018**

Under Section 252(1) of the Companies Act, 2013

AND

In the matter of M/s. Besco Realty India Private Limited

*(Name Strike off by the ROC under section 248(1) of the Companies Act, 2013)*

**Registrar of Companies, Chennai**

---Petitioner

Vs.

**M/s. Besco Realty India Private Limited**

---Respondent

**Order delivered on: 18.09.2018**

**CORAM**

**K. ANANTHA PADMANABHA SWAMY, MEMBER (J)**

**S. VIJAYARAGHAVAN, MEMBER (T)**

For the Petitioner: *Representative of RoC, Chennai*

For the Respondent: *Shri. R.Thamizhvanan, PCS*

**ORDER**

**Per: K. ANANTHA PADMANABHA SWAMY, MEMBER (J)**

1. This is a Company Application No. 1067 (252)/2018 under Section 252(1) of the Companies Act, 2013 (hereinafter called as 'the Act') has been filed by **M/s. Registrar of Companies, Chennai** (hereinafter called as '**Petitioner**') seeking for a direction to restore the original status of the Company as if the name of the company has not been struck off from the

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Register of Companies and take all consequential actions like charges of the of the company's status from **“Strike off”** to **“Active”**

2. Brief averments of the Application are that the Company was incorporated on 04.10.2005, having its registered office at No.16, Bishop Wallers Avenue East, CIT Colony, Mylapore, Chennai – 600 004 in the State of Tamil Nadu. The Authorised Share Capital of the Company is Rs.5,00,000/- (Rupees Five Lakhs Only) divided into 50,000 number of Equity Shares of Rs.10/- (Rupees Ten each) and the Issued, Subscribed and Paid up Capital of the Company is Rs.1,00,000/-(Rupees One Lakh Only) divided into 10,000 number of Equity Shares of Rs.10/- (Rupees Ten each). The main objectives of the Company are given in the Memorandum of Association.
3. The Petitioner Company has filed all the pending Annual documents with ROC up to date viz. up to the year 2015-2016 before its name was struck off by the ROC. A Copy of the master date of the company taken from MCA web Portal has been annexed as proof of filing of returns up to 31.03.2016.
4. The Applicant by oversight, initiated action under Section 248 of the Act for **“striking off”** the name of the Company from the Register of Companies maintained by the ROC w.e.f 29.06.2017 as per the Public notice of MCA (Ministry of Corporate Affairs) in form STK-7 at S. No.1134. ✓

“The second proviso to section 252(1) of the companies Act, 2013 provided as follows: *“provided further that if the Registrar is satisfied, that the name of the company has been struck off from the register of companies either inadvertently or on the basis of incorrect information furnished by the company or its directors, which requires restoration in the register of companies, he may within a period of three years from the date of passing of the order dissolving the company under section 248, file an application before the tribunal seeking restoration of name of such company”*

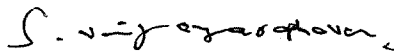
5. The Applicant/ROC, Chennai, further that the name of the company has been struck off from the register of companies inadvertently and hence requires restoration of its name in the Register of Companies under above stated proviso to section 252(1) of the Companies Act, 2013. While submitting the above facts the Applicant/ROC has stated that the Company may be directed to prove that it was carrying on business or was in operation and also be directed to file further all pending Financial Statements and Annual Returns in case restoration is granted.
6. Heard. Perused pleadings and documents filed in support of the contentions of both parties.

### **ORDER**

1. Having satisfied with the reasons mentioned above, this Tribunal is of the opinion that it would be just and proper to order **restoration of the name of the Company in the Register of Companies.**

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2. The Company shall file pending Financial Statements and Annual Returns with if any, with ROC as per the Act and Rules made thereunder.
3. The Applicant/ROC is directed to restore the Company in the Register of Companies from the date of receipt of this Order.
4. Accordingly the Company Petition No. CA/1067/(252)/2018 is hereby **disposed of. No order to cost.**



**(S. Vijayaraghavan)**  
**Member (Technical)**



**(K. Anantha Padmanabha Swamy)**  
**Member (Judicial)**

TJS