

**NATIONAL COMPANY LAW TRIBUNAL  
CHANDIGARH BENCH (COURT-I), CHANDIGARH**

**Company Appeal No. 5/Chd/Hry/2025**

*(Application under sub-section (3) of section 252 of the Companies Act, 2013,  
read with Rule 87A of the National Company Law Tribunal Rules, 2016 )*

**IN THE MATTER OF:**

**M/S. GATIK BUILDTECH PRIVATE LIMITED**

Through its Director/Shareholder

Piyush Agarwal

CIN: U45400HR2014PTC051561

Regd office: C 918A, Sushant Lok-I,

Gurgaon, Haryana, 122009

**Applicant**

**Versus**

**REGISTRAR OF COMPANIES NCT of Delhi & Haryana**

Ministry of Corporate Affairs

Government of India

Regd Office: 4th Floor, IFCI Tower, 61,

Nehru Place, New Delhi-110019

**Respondent No.1**

**INCOME TAX DEPARTMENT**

Ministry of Finance

Government of India

Office: HSIIDC BUILDING

Udyog Vihar Ph-5 6th Floor,

Vanijya Nikunj, Gurgaon, 122001

**Respondent No. 2**

**Order pronounced on: 21.05.2026**

**CORAM: MR. KHETRABASI BISWAL, HON'BLE MEMBER (JUDICIAL)  
MR. SHISHIR AGARWAL, HON'BLE MEMBER (TECHNICAL)**

**PRESENT :**

**For the Applicant Company**

: Mr. Yashoj Guglani, Advocate  
Mr. Narender Thakur, Advocate  
Ms. Yamini Thakur, Advocate  
Ms. Snehal Sharda, Advocate

**For the Income Tax Dept.**  
**For the RoC Haryana**

: Mr Varun Issar, Sr. Standing Counsel  
: Mr. Vijaya Sinha Reddy, Deputy ROC

**ORDER**

The present Application has been filed by Mr. Piyush Agarwal (hereinafter referred to as 'Applicant'), Director and shareholder of **M/s Gatik Buildtech Private Limited** (hereinafter referred to as 'Company'/ 'Applicant Company'), under sub-section (3) of section 252 of the Companies Act, 2013 (hereinafter referred to as 'Act') read with rule 87A of the National Company Law Tribunal Rules, 2016 (hereinafter referred to as 'Rules') praying for restoration of the name of the Company on the Register of Companies maintained by the Registrar of Companies, NCT of Delhi and Haryana (hereinafter referred to as 'RoC/ Respondent No.1').

**FACTS OF THE CASE:**

2. Brief facts of the case, as averred in the Application, are as follows:

2.1 The Applicant Company, M/s. Gatik Buildtech Private Limited, is a private limited company incorporated on 13.01.2014 under the provisions of the Companies Act, 2013, bearing Corporate Identity Number (CIN) U45400HR2014PTC051561. The registered office of the Applicant Company is situated at C-918A, Sushant Lok-I, Gurgaon, Haryana-122009, falling within the jurisdiction of the Registrar of Companies, NCT of Delhi & Haryana. It is submitted that since its

incorporation, there has been no change in the name or registered office of the Company as per the records maintained by the RoC.

- 2.2 The Applicant Company submits that the authorized share capital of the Company is Rs. 1,00,000/- (Rupees One Lakh Only) divided into 10,000 (Ten Thousand Only) Equity Shares of Rs. 10/- each and the Issued, Subscribed & Paid-Up Capital of the Company is Rs. 1,00,000/- (Rupees One Lakh only) divided into 10,000 (Ten Thousand Only) Equity Shares of Rs. 10/- each. A copy of the master data has been annexed as Annexure A-II to the Application.
- 2.3 Subsequently, the RoC struck off the name of the Applicant Company due to non-filing of the financial statements under section 248 of the Act after issuance of notice in form STK-5 and STK- 7. The Copy of the striking of notice are annexed as Annexures VI and VII to the Application.
- 2.4 It is submitted that the Applicant Company had been regular in its statutory compliances and had duly filed its Annual Financial Statements and Annual Returns up to the financial year ending 31.03.2017. Additionally, the Company had filed its Income Tax Returns up to the financial year ending 31.03.2020, which evidences that the Company was operational and compliant with statutory requirements for a considerable period.
- 2.5 It is further submitted that the Applicant Company owns substantial immovable assets, including agricultural and non-agricultural land

situated in Village Ubaraka, Tehsil Tapukda, District Alwar, comprising multiple khasra numbers. The possession and ownership of such properties are in the name of the Company, thereby evidencing its continued existence and business interests.

- 2.6 The Applicant submits that subsequent non-compliances arose due to circumstances beyond its control. The outbreak of the COVID-19 pandemic caused severe disruption in the functioning of the Company, leading to a complete halt in its day-to-day operations and management. Consequently, Income Tax Returns for the financial years 2020–2021 and 2021–2022 could not be filed.
- 2.7 It is further submitted that one of the Directors of the Applicant Company, who was actively involved in the management and affairs of the Company, underwent a serious medical condition requiring surgery, followed by prolonged hospitalization and recovery. Due to such unforeseen medical exigencies, the management of the Company was significantly impacted, resulting in lapses in statutory compliances.
- 2.8 Owing to the aforesaid circumstances, coupled with lack of adequate professional guidance, the Applicant Company could not file its Annual Financial Statements and Annual Returns from the financial year 2017–2018 onwards. It is submitted that such non-compliance was neither wilful nor deliberate, but occurred due to bona fide reasons and unavoidable circumstances.

**SUBMISSIONS OF THE REGISTRAR OF COMPANIES:**

3. The Registrar of Companies, in its report dated 17.06.2025, has stated that the Company failed to file its Annual Returns and Financial Statements since 31.03.2017, and consequently, sufficient cause existed for striking off the name of the Company from the Register of Companies. It has, however, been submitted that in the event restoration is allowed, appropriate directions may be issued to the Applicant to file all pending statutory documents along with the requisite fees and applicable additional fees.
4. Subsequently, during the court hearing on 24.04.2026, it is submitted that there are no further objections or observations with respect to the restoration of the Company's name.

**SUBMISSIONS OF THE INCOME TAX DEPARTMENT:**

5. The Income Tax Department filed its report on 18.11.2025, submitting that, as per the ITBA records, appeal proceedings for AY 2016-17 are pending against the Company and that the ITD has no objection in revival of the Company.
6. Further, *vide* order dated 24.04.2026, the Income Tax Department stated that a demand exceeding ₹8 crores is pending against the Company, of which a portion is under appeal while the remaining amount is not. The Applicant has submitted that, upon restoration of the Company's name, appeals shall be filed in respect of the remaining demand as well.

**FINDINGS:**

7. Heard the Ld. Counsel for the Applicant Company, Ld. Standing Counsel, Mr Varun Issar, for the Income Tax Department, ARoC, for the Registrar of Companies and perused the material available on record, and also perused the extant provisions of the Companies Act, 2013, and rules made thereunder.
8. This application is within the territorial Jurisdiction of this Tribunal as the registered office of the Applicant Company is in the State of Haryana.
9. It is to be noted that the Sub-section (3) of section 252 of the Act, inter alia, provides that the Tribunal is required to be satisfied before exercising jurisdiction to restore the company to its original name on the Register of the Registrar of Companies that Company was at the time of its name being struck off was either carrying on business or was in operation, or otherwise it is just that the name of the Company be restored to the Register of Registrar of Companies.
10. The Applicant Company has placed on record audited financial statements showing turnover and assets, and has submitted that the Company was carrying on business at the time of striking off. It has further undertaken that in the event of restoration of the name of the Company, Applicant shall file all outstanding statutory documents, including financial statements and annual returns, along with the prescribed fees and additional fees, as applicable.

11. In the present case, it is evident that the Income Tax proceeding is pending against the Applicant Company, and restoration of the Company is necessary to enable the Income Tax Department to complete such proceedings. Non-restoration of the Company would adversely affect the interest of the Revenue and result in loss of public exchequer. Therefore, restoration of the name of the Applicant Company is required to safeguard government revenue to ensure completion of pending tax proceedings in accordance with law.
12. Upon perusal of the Application and documents on record, it is observed that the name of the Applicant Company was struck off by the Registrar of Companies under Section 248 of the Companies Act, 2013, despite the existence of subsisting assets, liabilities, and continuing legal and statutory obligations. The material on record indicates that the Company had an operative and legal existence at the relevant time, and its restoration is necessary to enable it to discharge such obligations and safeguard its legal and contractual rights. The explanation furnished for the non-filing of statutory returns does not appear to be willful or mala fide, and the Applicant has undertaken to regularise all compliances upon restoration.
13. In view of the above facts, and as per the records available, we are of the considered view that it would be just, and in the interest of justice to allow the Company to rectify its defaults and to restore its original name in the register of the Registrar of Companies.

14. Accordingly, in exercise of powers conferred on the Tribunal under Section 252 of the Companies Act, 2013, this Tribunal allowed the Application subject to payment of costs of ₹50,000/- (Rupees Fifty Thousand Only) by the Applicant , to be paid in favour of “Prime Minister National Relief Fund” within three weeks from the receipt of the duly certified copy of this Order, with the following directions:

- (i) The Registrar of Companies, NCT of Delhi and Haryana, shall restore the original status of the Company as if the name of the Company had not been struck off from the Register of Companies, with the resultant and consequential actions like changing the status of the Company from ‘struck off’ to ‘active’.
- (ii) The Applicant shall file all pending statutory documents, including annual accounts and annual returns, along with prescribed fees/additional fee/fine as decided by the Registrar of Companies, NCT of Delhi & Haryana, within 45 days from the date on which its name is restored on the Register of Companies maintained by the concerned Registrar of Companies.
- (iii) The Applicant shall deliver a certified copy of this Order to the Registrar of Companies, NCT of Delhi & Haryana, within a period of 30 (thirty) days from the date of receipt of this Order.
- (iv) On receipt of the certified copy of this Order and after due compliance with the above directions, the Registrar of Companies

shall publish the Order in the Official Gazette, the cost for which shall be borne by the Company.

- (v) This Order is confined to the violations, which ultimately led to the impugned action of striking off the name of the Company. It will not come in the way of the jurisdictional Registrar of Companies to take appropriate action in accordance with law, for any other violation/offences, if any, committed by the Company before or during the period when the name of the Company remained struck off.
- (vi) The Income Tax Department may take the necessary action as per law for non-filing or belated filing of the Income Tax Returns of the Company for any of the assessment years and also for recovery of outstanding demand, if any.

15. In the result, the **Company Appeal bearing No. 5/Chd/Hry/2025** is **allowed** and **disposed of**.

**Sd/-**

**(SHISHIR AGARWAL)**  
**Member (Technical)**

**Sd/-**

**(KHETRABASI BISWAL)**  
**Member (Judicial)**  
Ruhani