

IN THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH, COURT- I
CP No.113/KB/2025

In the matter of

An application under Section 252 (3) of the Companies Act, 2013.

And

In the matter of:

Degusto Construction Private Limited (Company Name Struck Off By Registrar Of Companies) a company incorporated under the Companies Act, 2013, having CIN: U45201BR2020PTC04491, having its office at **W/o Sanjay Kumar, Vill-Hisua (NP) Tola-Rajgir Road, SBI Bhawan , Hisua , Nawada , Hisua – 805103 in the State of Bihar** within the jurisdiction of this Hon'ble Tribunal.

..... Struck Off

-And-

In the matter of:

Vatsh Krishna, Shareholder of (Degusto Construction Private Limited) residing at **Sanjay Kumar, SBI Building, Vijay Medico, Rajgir Road, Hasua, Hisua, Nawada, Bihar – 805103**

.....Applicant

-- Versus --

The Registrar of Companies, Bihar, Maurya Lok Complex, Block "A" 4th Floor, Dak Bunglow Road, Patna-800001

.....Respondent

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Date of Pronouncement: 09/06/2026

Coram:

Smt. Bidisha Banerjee, Member (Judicial)

Cmde. Siddharth Mishra, Member (Member)

Appearance (via Video Conference)/Physical:

For The Applicant:

Mr. Shubham Ranjan Sinha, ACS

Mr. Arun Kumar Jaiswal, ACS

For the Respondent:

ROC Patna

Per: Bidisha Banerjee, Member (Judicial)

ORDER

- 1)** This Company Petition has been filed by Vatsh Krishna(Shareholder of the Struck off Company) under Section 252(3) of the Companies Act, 2013 for restoration of name of the struck off company in the Register Of Companies, maintained in the office of the Registrar of Companies, Bihar. It is stated that the name of Degusto Construction Private Limited (“Company” / “Petitioner Company”) was struck off on 10/10/2022.
- 2)** Notices were issued to the Registrar of Companies, Bihar. The Registrar of Companies, Biharr has submitted a report with copy to the petitioner. It was stated in the report that only after compliance of the requirements to be met under Section 248 of the Companies Act, 2013,

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Registrar of Companies, Bihar has struck off the name of the company from the register.

- 3)** It is contended by the RoC that the company was incorporated on 08.01.2020 and the subscriber to the memorandum did not pay the subscription which they had undertaken to pay at the time of incorporation of the company and declaration to this effect had not been filed within 180(one hundred eighty) days of its incorporation under subsection 10A of the Companies Act, 2013. Moreover, no subsequent document had been filed by the company under section 455 of the Companies Act, 2013. Hence, the RoC contends he had reasonable cause to believe that the company was not in operation, and therefore, the name of the company was struck off from the register of companies.
- 4)** It is submitted by the Applicant that the company is a budding startup and hence due to lack of awareness of the compliances the company and due to lack of awareness of the compliances the company and due to COVID-19 breakout, it failed to submit Form INC-20A for declaration of commencement of business with the Registrar of Companies during the stipulated timeline, during the period of strike off the company was carrying out its business and that the company is a healthy company which made a revenue from operations of Rs. 26,31,416/- for Financial the year 2022-23. The applicant further contends that if the name of the company is not restored, the applicant as well as its shareholders will suffer irreparable loss and hardship and will be highly prejudiced.
- 5)** The petitioner submits that in the event of revival of the company and restoration of the name of the company in the register maintained by the Opposite Party, the petitioner Company shall file the Form INC-20 along with the filing fees and additional fees as applicable on the date of actual filing.

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- 6) Registrar of Companies, Bihar has not objected to this application for restoration of the name of the company. On perusal of the application, we are satisfied that the name of the company should be restored to the register. Therefore, this petition deserves sympathetic consideration. Accordingly, the present petition is allowed on the following terms: -
- 7) The Registrar of Companies, Bihar the respondent herein, is directed to restore the original status of the petitioner 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 status of petitioner company from **‘Struck off’ to ‘Active’**.
- a) The Petitioner Company is directed to file all pending statutory document(s) including filing pending compliance forms/documents of business in within 45 days from the date on which its name is restored on the register of companies maintained by the Registrar of Companies, Bihar.
 - b) The restoration of the Company’s name is also subject to the payment of cost of Rs **30,000/- (Rupees Thirty Thousand only)** through online payment in www.mca.gov.in under miscellaneous fee by mentioning particulars as **“Payment of cost for restoration of company pursuant to orders of NCLT in C.P. No.113/KB/2025”**.
 - c) The petitioner is directed to deliver a certified copy of this order with Registrar of Companies, Bihar within thirty days of the receipt of this order.
 - d) On such delivery and after due compliance with the above directions, the Registrar of Companies, Bihar is directed to publish the order in the Official Gazette under his office name and seal;
 - e) This order is confined to the violations, which ultimately led to the impugned action of striking off the name of the Company,

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and it will not come in the way of Registrar of Companies, Bihar to take appropriate action(s) in accordance with law, for any other violations / offences, if any, committed by the petitioner company prior to or during the period the name of the Company remained struck off.

- 8)** The **C.P. No. 113/KB/2025 is disposed of** accordingly.
- 9)** The Registry is directed to send e-mail copies of the order forthwith to all the parties inclusive of the Counsel.
- 10)** Urgent certified copy of this order, if applied for be issued upon compliance with all requisite formalities.

**Bidisha Banerjee
Hon'ble Member (Judicial)**

**Cmde. Siddharth Mishra
Hon'ble Member (Technical)**

This Order signed on this, the 9th day of June, 2026.

RKM(LRA)