

**NATIONAL COMPANY LAW TRIBUNAL
JAIPUR BENCH**
(through web-based video conferencing platform)

**Item No. 201
Appeal No. 10/252/JPR/2024
Under Section 252 of
Companies Act, 2013**

In the matter of:

Agrawal Prime Trademart Pvt. Ltd. Appellant
Versus

ROC & Anr. ...Respondent

**Coram: HON'BLE MS. REETA KOHLI, JUDICIAL MEMBER
HON'BLE MS. KAVITA BHATNAGAR, TECHNICAL MEMBER**

PRESENT: -

For the Appellant : Prateek Kedawat, Adv.
For the ROC : J. R. Meena, DRoC

ORDER

1. This Appeal has been filed in the matter of *Agrawal Prime Trademart Private Limited* ('Appellant Company'), through its Director & Shareholder, namely *Mr. Jai Krishan* ('Appellants') under Section 252(3) of the Companies Act, 2013, ('Act') praying for the restoration of the Company's name in the Register of Companies maintained by RoC, Jaipur ('RoC').
2. It is stated that the RoC struck off the name of the Company from the Register of Companies as it was not carrying out business or was in operation since 2013-14. Consequently, the name of the Company was struck off as stated in Form STK-7 dated 23.06.2017, a copy of which is annexed with the Appeal.

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3. It is stated that the Appellant Company was incorporated as a Private Limited Company on 12.01.2010 with CIN No. U52190RJ2012PTC037586. The Authorised Share Capital is Rs.1,00,000/- and Paid-Up Share Capital is Rs.1,00,000/-. The registered office is situated at 8, Gaytri Nagar Sector-5, Hiran Magri, Udaipur, Rajasthan 313001, which is within the territorial jurisdiction of this Tribunal.
4. It is further submitted that the Appellant, in order to justify restoration its name of the Register of RoC, has relied upon the following documents:
- I. It is submitted the Appellant Company has substantial assets and liabilities which are depicted from its financial statements and the substratum of the Company also continues to remain intact. The company has assets and liabilities and is continuously carrying out its business operations and is following its objects. The financial statements of the Company for the year ending 31/03/2016 to 31/03/2023 evidently depicts that the Company is a going concern and is continuously carrying out its business operations.
 - II. That the Company is also maintaining its Bank account which also evidences the company is regularly carrying its business operations & activities which are also evident from the bank statement of the company but the operations of this Account Number 693305500051 has been

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freeze after the name of the company was struck off from the Register of Companies.

III. That the Company owns valuable inventory of immovable property in its name for the purpose of its business activities which is situated at RIICO Industrial Area, Gudli, Tehsil Mawli, Udaipur and the Company plans to use it for its upcoming project is for its business purpose and as a result of which, the company assumes importance for its stakeholders and therefore, the present appeal is being made for seeking restoration of name of the Company in the register of Companies maintained by the Registrar of Companies, Jaipur.

5. The RoC has filed its reply, in which it has been stated that due to non-filing of statutory returns by the Company, the competent authority drew an opinion that the Company was not carrying on business or in operation. Further, it is submitted that as per provision of section 248(5) of the Companies Act, 2013 after the expiry of the prescribed time period and as no response has been received within time from the company and the public, a notice (in STK No. 7) was issued by the Registrar of Companies, Rajasthan reflecting the name of the company as strike off and presently the status of the company is struck off.
6. We have heard the submissions of the Appellant Company and have perused the documents placed on record. The provisions pertaining to the restoration of

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the name of the Company are provided in Section 252(3) of the Companies Act, 2013, which, inter alia, includes that if a company is carrying on its business or is in operation or otherwise it is just that the name of the company be restored, this Tribunal can order the RoC to restore the name of the company in the Register of Companies.

7. The Appellant Company through its Bank statements, immovable property, and financial statements for the financial year ending 31.03.2016 to 31.03.2023 has been able to establish that it was in operation prior to the date of Strike off i.e., 23.06.2017.
8. Further, the RoC in its report has stated that it struck off the Company as the company was not carrying in business or in operation and has not filed statutory returns. In light of the facts presented and in the interest of achieving a fair and just resolution, we find that the restoration of the company, despite its default, serves the best interest of the company. This is particularly so, even though the company failed to file its statutory returns. However, the same can be compensated by way of requisite late filing fees as prescribed under the Companies Act, 2013.
9. The financial statements of the Company for the year ending 31/03/2016 to 31/03/2023 have been enclosed with the Appeal indicating that the Company is a going concern and is continuously carrying out its business operations.

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10. Accordingly, this Appeal is allowed and the restoration of the Appellant Company's name, i.e., *Agrawal Prime Trademart Private Limited*, in the Register of Companies maintained by the RoC, is hereby ordered subject to prior submission to the RoC of physical copies of financial statements for the intervening period, **from the financial year 2013-14 till date**, for the satisfaction of the RoC in respect of the format and requisite content of the said financial statements besides complying with the provisions of the Act. Further, the restoration of the Company's name in the Register of Companies maintained by the ROC Jaipur, is subject to the payment of costs jointly by Company and its officers as tabulated hereunder:

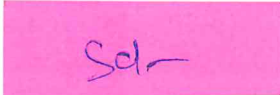
Description	Details
Financial Years of Non-Compliance	2013-2014 to 2023-2024
Total Number of Defaulted Years	10 years
Cost per Financial Year	Rs. 10,000/-
Total Cost Calculation	Rs. 10,000 x 10 years = Rs. 1,00,000/-

11. Thus, this order will be subject to payment of cost of **Rs. 1,00,000/-** to be paid in the Online Miscellaneous fee account of Ministry of Corporate Affairs, within three weeks from the receipt of the duly certified copy of this order. In the event of any liabilities being determined in respect of the Company by any authorities, including the Income Tax Department, they may proceed in this regard, in accordance with applicable law.

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12. This Appeal is disposed of on the terms directed above. The RoC shall give effect to this order after ensuring compliance of tendering of cost. The Company is directed to file all the required documents and shall fulfil all other relevant statutory compliances, in accordance with law within 30 days from the restoration of its name in the Register of Companies maintained by the RoC. Consequent to the restoration of the name of the Company, it shall be deemed to be operational in all respects, as if the name of the Company had not been struck off under Section 248 of the Companies Act, 2013. The RoC is directed to mark the DIN of the directors of the Company as 'Active'.
13. Certified copies of this order be communicated by the Registry to the Appellants and the Registrar of Companies, Jaipur.


(Kavita Bhatnagar)
Technical Member

June 18, 2026


(Reeta Kohli)
Judicial Member