

**IN THE NATIONAL COMPANY LAW TRIBUNAL
SPECIAL BENCH (Court-I)
KOLKATA**

CP/125(KB)2025

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

In the matter of:

Mr. Subrata Poddar, shareholder of Poddar Seva Sadan Private Limited, residing at Satyam Apartment, 5th Floor, R.R.N. Road, Dist. Cooch Behar, PIN 736101, West Bengal.

... .. Petitioner

Versus

The Registrar of Companies, Kolkata, having its office at Corporate Bhawan, 4th Floor, Plot No. IIIF/16, in AA-IIIF, Rajarhat, New Town, Akhandakeshari, Kolkata- 700135.

... .. Respondent

And

In the matter of:

Poddar Seva Sadan Private Limited (CIN No. U85110WB1994PTC062102), having its registered office at Sunity Road, Cooch Behar, PIN 736101, West Bengal.

... .. Struck Off Company

Date of pronouncement: 9th June, 2026

CORAM:

SMT. BIDISHA BANERJEE, HON'BLE MEMBER (JUDICIAL)

SHRI SIDDHARTH MISHRA, HON'BLE MEMBER (TECHNICAL)

Appearance (via video conferencing/physically)

Mr. Rahul Parasrampur, Adv.] For the Petitioner

Ms. Somya Ojha, Adv.]

ORDER

Per: Bidisha Banerjee, Member (Judicial)

1. This Company Petition has been filed by the petitioner of Poddar Seva Sadan Private Limited (struck off) 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

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Companies, Kolkata. It is stated that the name of the Company was **struck off** on **25th October, 2019**.

- 2.** The Company was incorporated on 4th March, 1994 as a private limited company, having CIN: U85110WB1994PTC062102 with registered office at Sunity Road, Cooch Behar, PIN 736101, West Bengal.
- 3.** The authorized share capital of the company is ₹ 10,00,000/- (Rupees Ten lakhs only), divided into 1,00,000 (three lakh) equity share of ₹ 10/- (Rupees Ten each) each and issued, subscribed and paid up capital of the company is ₹ 4,44,000 (Rupees Four lakhs and forty-four thousand only) divided into 44,000 (Forty-four thousand) equity shares of ₹ 10/- each, fully paid-up shares.
- 4.** As per Memorandum of Association of the company, the main objects of the company is as under:

“to acquire, establish and maintain one or more hospital(s) or Nursing Home(s) for the reception and treatment of persons suffering from illness, or mental defect..”.
- 5.** The company was incorporated on 22nd November, 2005. The company has 4 Shareholders-cum-Directors, namely, Mr. Subrata Poddar, Mr. Subhas Chandra Poddar, Mr. Sunil Chandra and Mr. Suken Chandra Poddar.
- 6.** The Registrar of Companies, Kolkata has issued notices (STK-5) to the company as well as the Directors under Section 248 (1) of the Companies Act, 2013 read with Rule 7 of the Companies (Removal of Names of Companies from the Register of Companies) Rules, 2016 for removal of name of the company from the register of the companies as the Registrar of Companies, Kolkata had reasonable cause to believe that the company was not carrying on business or in operation from the period of last two immediate preceding financial years and has not made any application within such period for obtaining the status of dormant company under Section 455 of the Companies Act, 2013.

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- 7.** It is submitted that due to lack of proper professional guidance, oversight and inadvertent reasons, the struck off company could not file its financial statement and annual returns with the Registrar of Companies, Kolkata as required under the Companies Act, 2013.
- 8.** It is submitted that Registrar of Companies, West Bengal ("ROC") has struck off the Name of the Company from the Register under Section 248 (1) (5) of Companies Act, 2013.
- 9.** The Company has not filed its Financial Statements/Annual Returns for the financial years 2016-17, 2017-18, 2018-19, 2019-20, 2020-21, 2021-22, 2022-23, 2023-24 and 2024-25.
- 10.** Notices were issued to the Registrar of Companies, Kolkata has submitted its report at the Registry 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, Registrar of Companies, Kolkata has struck off the name of the petitioner company from the register maintained by the Registrar of Companies, Kolkata.
- 11.** Registrar of Companies, West Bengal has not objected to this application for restoration of the name of the petitioner company. On perusal of documents, we are also satisfied that the petitioner was a going concern and doing business on the date of striking off its name. Therefore, the plea raised in the Company Petition deserves consideration. Accordingly, the Company Petition is to be allowed upon payment of cost of **₹ 90,000/- (Rupees Ninety thousand only)**, which would meet ends of justice in the peculiar nature and circumstances of the case in hand.
- 12.** Accordingly, in exercise of the powers conferred on the Tribunal under Section 252 of the Companies Act, 2013, the petition is allowed upon the following :-
 - (a)** The Registrar of Companies, Kolkata, 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

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register of Companies with the resultant and consequential actions like changing status of petitioner Company from '**struck off**' to '**Active**'.

- (b)** The petitioner Company is directed to file all pending statutory document(s) including Annual Accounts and Annual returns for the **financial years 2016-17, 2017-18, 2018-19, 2019-20, 2020-21, 2021-22, 2022-23, 2023-24 and 2024-25** along with prescribed fees/ additional fee/fine as decided by Registrar of Companies, West Bengal within 45 days from the date on which its name is restored on the register of companies maintained by the Registrar of Companies, West Bengal;
- (c)** The restoration of the Company's name is also subject to the payment of cost of ₹ **90,000/- (Rupees Ninety thousand only)** through online payment in **www.mca.gov.in** under **miscellaneous fee** by mentioning particulars as "*Payment of cost for revival of company pursuant to orders of NCLT, Kolkata Bench in CP/125(KB)2025*";
- (d)** The Petitioner is directed to deliver a certified copy of this order with Registrar of Companies, Kolkata within thirty days of the receipt of this order;
- (e)** On such delivery and after due compliance with the above directions, the Registrar of Companies, Kolkata is directed to publish the order in the Official Gazette under his office name and seal;
- (f)** This order is confined to the violations, which ultimately led to the impugned action of striking off the name of the Company, and it will not come in the way of Registrar of Companies, Kolkata to take appropriate action(s) in accordance with law, for any other violations / offences, if any, committed by the petitioner company

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prior to or during the period the name of the Company remained struck off.

- 13.** Accordingly **CP/125(KB)2025** is **allowed** and **disposed of**.
- 14.** The Registry is directed to send e-mail copies of the order forthwith to all the parties inclusive of the Counsel.
- 15.** Certified Copy of this order may be issued, if applied for, upon compliance of all requisite formalities.

Siddharth Mishra
Member (Technical)

Bidisha Banerjee
Member (Judicial)

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

SM (Steno)