

NATIONAL COMPANY LAW TRIBUNAL
INDORE BENCH
COURT NO. 1

ITEM No.204
CP/5(MP)2026

Order under Section 252(3)

IN THE MATTER OF:

Dhirendra Dubey & Anr
V/s
The Registrar of Companies Gwalior

.....Applicant

.....Respondent

Coram:

Hon'ble Shri Brajendra Mani Tripathi, Member (J)
Hon'ble Shri Man Mohan Gupta Member (T)

PRONOUNCEMENT OF ORDER
Delivered on 16/06/2026

The case is fixed for pronouncement of the order.

The order is pronounced in open Court *vide* separate sheet.

Sd/-

Sd/-

MAN MOHAN GUPTA
MEMBER (TECHNICAL)

BRAJENDRA MANI TRIPATHI
MEMBER (JUDICIAL)

Tomar

**IN THE NATIONAL COMPANY LAW TRIBUNAL
INDORE BENCH**

Company Petition No. 5 (MP) of 2026

In the matter under Section 252(3) of the Companies Act, 2013

IN THE MATTER OF:

Dhirendra Dubey s/o R.K. Dubey,

R/o 1, Nadir Colony, Opp. Jehnuma Hotel, Shamla
Hills, Huzur, Bhopal, Madhya Pradesh – 462013,
Equity Shareholder of M/s. Peacock Farms and
Properties Private Limited (CIN:
U01300MP1988PTC004699)

...Petitioner No. 1

Nikhil Kuber Dubey

R/o 1, Nadir Colony, Opp. Jehanuma Hotel, Shyamla
Hills, Huzur, Bhopal, Madhya Pradesh – 462013,
Equity Shareholder of M/s. Peacock Farms and
Properties Private Limited (CIN:
U01300MP1988PTC004699)

...Petitioner No. 2

VERSUS

The Registrar of Companies, Madhya Pradesh,

Sanjay Complex, A Block, 3rd Floor, Jayendraganj,
Gwalior – 474009, Madhya Pradesh

...Respondent

Coram:

Hon'ble Mr. Brajendra Mani Tripathi, Member (Judicial)

Hon'ble Mr. Man Mohan Gupta, Member (Technical)

Appearances:

Counsel for Petitioners: Mr. Vinit Nagar, PCS (Physical)

Counsel for Respondent: None

Counsel for Income Tax Department: Ms. Yashika Bondwal, Advocate

ORDER

Delivered on: 16.06.2026

1. The present petition has been filed by Mr. Dharendra Dubey and Mr. Nikhil Kuber Dubey (hereinafter referred to as "the Petitioners"), equity shareholders of M/s. Peacock Farms and Properties Private Limited (CIN: U01300MP1988PTC004699) (hereinafter referred to as "the Company"), under Section 252(3) of the Companies Act, 2013, seeking restoration of the name of the Company on the Register of Companies maintained by the Registrar of Companies (ROC), Madhya Pradesh, Gwalior.
2. The Company – **M/s. Peacock Farms and Properties Private Limited** – was incorporated on 08.07.1988 as a Private Limited Company bearing CIN: U01300MP1988PTC004699. Its registered office, as per the Master Data available on the MCA Portal, is situated at Talwar House, G.M. College, Hotel Road, Bhopal, Madhya Pradesh. The names of Directors as per MCA records are: (1) Mr. Dharendra Kuber Dubey and (2) Mr. Nikhil Kuber Dubey.
3. The Respondent – Registrar of Companies, Madhya Pradesh (Gwalior) – issued a notice under Section 560(5) of the Companies Act, 1956 on 11.05.2005, on the ground that the Company had not filed its statutory returns and compliances as required. Consequent to the said notice, the name of the Company was struck off from the Register of Companies on 01.06.2005, by publication in the Official Gazette on 11.06.2005, at Serial No. 81.

Submissions of the Petitioners:

4. The Petitioners have made, inter alia, the following submissions:
 - a. That the Petitioners, Dharendra Dubey and Nikhil Kuber Dubey, are equity shareholders of the Company, each holding 500 equity

shares constituting 50% of the paid-up equity share capital of the Company.

- b. That the present petition under Section 252(3) of the Companies Act, 2013 has been filed within the prescribed period of limitation of twenty years from the date of publication of the striking-off notice in the Official Gazette, taking into account the exclusion of time from 15.03.2020 to 28.02.2022 granted by the Hon'ble Supreme Court of India in Suo Motu Writ Petition (Civil) No. 3 of 2020, on account of the COVID-19 pandemic. Accordingly, the statutory period of twenty years is extended to 24 April, 2027, and the present petition filed on 06.02.2026 is well within limitation.
- c. That the Petitioner No. 1 came to know of the striking-off of the Company only when a prospective investor approached the Company with the intention of purchasing land standing in the name of the Company. Upon consulting his advisor and being informed of the "Struck Off" status on the MCA-21 Portal, he promptly sought appropriate legal advice and filed the present petition without any undue delay.
- d. The Company owns the immovable property in the nature of land situated in the village Khudaganj under Khasra No. 59/1/3 (S), 60 and 61, Area 0.1860 Hectare in the State of Madhya Pradesh. The said land was purchased under a registered sale agreement dated 31.08.1988 and the restoration of the Company is necessary to protect the interests of the shareholders and the substratum of the Company.
- e. That the failure to file statutory returns was neither intentional nor malafide. The shareholders were unaware of the striking-off

proceedings and the notices in this regard were not within their knowledge.

- f. That the object of Section 252(3) of the Companies Act, 2013 is to give a legal remedy to the company, its members and creditors/stakeholders to revive a company which has been struck off, within a period of 20 years, and to give them an opportunity of carrying on business only after the Hon'ble Tribunal is satisfied that such restoration is necessary in the interests of justice.
- g. That upon revival, the Company undertakes to file all overdue returns/forms/documents for all preceding financial years immediately upon the status of the Company being changed to "Active", and to complete all pending statutory filings within 60 days from the date of the restoration order.

Submissions of the Respondent:

5. The Respondent – ROC, Madhya Pradesh (Gwalior) – filed its Report/Reply dated 21.04.2026, through its Asstt. Registrar of Companies, Manish Raj. The ROC confirmed the factual position and sought certain directions from this Tribunal. The Petitioners filed their Rejoinder-cum-Undertaking dated 01.05.2026, in response to the said Report. The submissions/prayers of the Respondent (ROC) and the corresponding responses of the Petitioners are tabulated hereunder:

S. No.	Submission / Prayer of the Respondent (ROC)	Response / Undertaking of the Petitioners
1.	The said petition may be decided on merit subject to filing e-form of statutory documents annual return and balance sheet as the company has not filed its annual return and balance sheet.	<p>It is submitted that, name of the Company is primarily required to be restored first and the status of the company is required to be changed to "Active" and only pursuant to such change in the Status on MCA registry, the overdue returns of the preceding years can be filed with requisite filing fee.</p> <p>I undertake to file all the overdue returns/forms/documents of preceding financial years immediately upon a change in the status of the Company pursuant to the restoration order once passed by this Hon'ble NCLT.</p>
2.	The Hon'ble Tribunal would be pleased to direct the applicant to publish the order of NCLT in any 01 (one) widely circulated Hindi and English newspaper and bear the expenses of publication charges.	It is undertaken to publish the Notice of the order of this Hon'ble Tribunal, once passed, for the restoration of the name of the Company in English Newspapers having Nationwide Circulation and in Vernacular language Newspaper having State-wide circulation.
3.	The Hon'ble Tribunal would be pleased to direct the applicant to deposit the cost of publication of	It is undertaken to deposit the cost of publication in the

S. No.	Submission / Prayer of the Respondent (ROC)	Response / Undertaking of the Petitioners
	order in Official Gazette in Pay & Accounts Officer, Mumbai account.	Official Gazette to the Pay and Accounts Officer, Mumbai Account or in such manner as per the order/direction of this Hon'ble Tribunal.
4.	The Hon'ble Tribunal would be pleased to direct the applicant to submit the declaration that no assets/properties acquired/disposed of after the date of company as strike-off by the Registrar, if any assets/properties disposed/acquired after the above date, the details of the same may kindly be submitted before this Hon'ble Tribunal.	It is declared that no assets/properties of the Company have been acquired or disposed of after the date of striking off the name of the Company by the Registrar.
5.	The applicant may submit that no management dispute/title dispute etc. is pending in the matter if pending may kindly be submitted before this Tribunal.	It is stated and submitted that no dispute in the title of the property or dispute of any nature is subsisting in the management/board/shareholders of the Company.
6.	It is well established principle of company law that finality in corporate dissolution and strike off serves the public interest. Allowing a revival after such a prolonged period, especially without any exceptional circumstances, would undermine the certainty and	-

S. No.	Submission / Prayer of the Respondent (ROC)	Response / Undertaking of the Petitioners
	finality of the corporate dissolution process.	
7.	The Hon'ble Tribunal would be pleased to direct the management of strike-off company to file an affidavit that all the pending filing shall be completed from the date of order of Hon'ble NCLT within 60 days with 3 fine/penalty/additional fees as per Rule and submit the compliance report before the Hon'ble Tribunal.	It is undertaken to comply with all the statutory requirements and file all such pending returns within 60 days from the date on which the order of Restoration of the name of the Company is passed by this Hon'ble Tribunal.

Analysis and Findings:

6. Before proceeding to the merits, it is useful to set out the applicable provision. Section 252(3) of the Companies Act, 2013 reads as under:
"If a company, or any member or creditor or workman thereof feels aggrieved by the company having its name struck off from the register of companies, the Tribunal on an application made by the company, member, creditor or workman before the expiry of twenty years from the publication in the Official Gazette of the notice under sub-section (5) of section 248 may, if satisfied that the company was, at the time of its name being struck off, carrying on business or in operation or otherwise it is just that the name of the company be restored to the register of companies, order the name of the company to be restored to the register of companies, and the Tribunal may, by the order, give such other directions and make such provisions as deemed just for placing the company and all other persons in the same position as nearly as may

be as if the name of the company had not been struck off from the register of companies."

7. We have perused the petition, the ROC Report dated 21.04.2026, the Rejoinder-cum-Undertaking dated 01.05.2026, the Certificate of Incorporation (Annexure R-1), and the Official Gazette Notification along with the list of struck-off companies (Annexure R-2).
8. The Company owns the immovable property in the nature of land situated in the village Khudaganj under Khasra No. 59/1/3 (S), 60 and 61, Area 0.1860 Hectare in the State of Madhya Pradesh with registered sale deed placed on record. The existence of subsisting assets establishes legitimate interest in restoration. The Applicants have declared that no assets have been acquired or disposed of after strike-off.
9. The ROC, in its Report, has raised a preliminary objection as to limitation, submitting that the Company's name was struck off on 01.06.2005 and published in the Official Gazette on 11.06.2005, and that the twenty-year period prescribed under Section 252(3) of the Companies Act, 2013 expired on or about 11.06.2025. The Respondent further submitted that the orders of the Hon'ble Supreme Court in **Suo Motu Writ Petition (Civil) No. 3 of 2020** merely excluded a specific period for the computation of limitation, and that the petition should be decided on merits accordingly.
10. The Petitioners, in their Rejoinder, have countered the said objection by submitting that the Hon'ble Supreme Court of India, in **Suo Motu Writ Petition (Civil) No. 3 of 2020**, granted an extension of limitation for the period from 15.03.2020 to 28.02.2022 – a period of approximately 1 year, 11 months and 13 days (approximately 713 days) – in view of the

extraordinary disruptions caused by the COVID-19 pandemic. This extension was held to be applicable to all judicial and quasi-judicial proceedings. The Petitioners submit that when this extended period is added to the original expiry date of 11.06.2025, the effective expiry of the limitation period falls on or about 24.04.2027. The present Petition was filed on 06.02.2026, which is clearly within the said extended period.

11. We have considered the rival submissions on limitation. The exclusion of time granted by the Hon'ble Supreme Court in Suo Motu Writ Petition (Civil) No. 3 of 2020 is a binding and mandatory extension applicable to all proceedings, including proceedings under Section 252(3) of the Companies Act, 2013. The effect of the said order is that the time from 15.03.2020 to 28.02.2022 is to be excluded in its entirety for the purpose of computing limitation. Accordingly, the limitation period under Section 252(3), in the present case, expires on 24.04.2027. The present Petition, having been filed on **19.02.2026**, is well within limitation and is not barred by time. The preliminary objection of the Respondent on limitation is therefore overruled.
12. The Tribunal, vide its order dated 09.06.2026, listed the matter for clarification on issuance of notice to the Income Tax Department. The matter was thereafter listed on 15.06.2026 for further consideration and to obtain the response/objection of the Income Tax Department regarding the present Petition
13. The Counsel for the Applicants placed before this Tribunal an Affidavit of Undertaking dated 13.06.2026, stating that upon restoration of the name of the Company in the Register of Companies, the Company shall forthwith make an application for obtaining its Permanent Account Number (PAN) and shall file all necessary overdue returns as required

under the Income Tax Act, 1961 and the Rules made thereunder and shall ensure to uphold and protect the interest of Revenue.

14. The Counsel for the Income Tax Department confirmed before this Tribunal that the Income Tax Department has **NO OBJECTION WHATSOEVER** to the restoration of the name of the Company, provided the Applicants abide by the undertakings as stated above. The Income Tax Department confirmed that the Company shall be in full compliance with all statutory obligations and restoration shall stand without any impediment from the Income Tax Department's side.

ORDER

15. In view of the above, this Tribunal is satisfied that it is just and equitable to restore the name of M/s. Peacock Farms and Properties Private Limited (CIN: U01300MP1988PTC004699) on the Register of Companies. Accordingly, this Petition is **ALLOWED** subject to the following directions:
- i) The Registrar of Companies, Madhya Pradesh (Gwalior) is hereby directed to restore the name of M/s. Peacock Farms and Properties Private Limited (CIN: U01300MP1988PTC004699) on the Register of Companies forthwith upon compliance with the conditions set out herein.
 - ii) The Petitioners/Company shall file all pending statutory documents including Annual Returns and Balance Sheets for all pending financial years in e-form with the Registrar of Companies, along with applicable additional fees, fine and penalty as prescribed under the Companies Act, 2013 and Rules made thereunder, **within a period of 60 days** from the date of receipt of this order.

- iii) The Petitioners shall deposit the cost of publication of this order in the Official Gazette with the Pay & Accounts Officer, Ministry of Corporate Affairs, Mumbai, **within 30 (thirty) days** from the date of this order. Proof of payment shall be filed before this Tribunal.
- iv) The Applicant/Petitioner shall, within **30 (thirty) days** from the date of this order, cause publication of a notice containing substantial details of this order in at least one (1) widely circulated English newspaper having nationwide circulation and at least one (1) Hindi/vernacular newspaper having state-wide circulation in Madhya Pradesh, at his own expense. Proof of publication shall be submitted to the ROC, Gwalior.
- v) The Petitioners shall pay a cost **of Rs. 2,00,000/- (Rupees Two Lakhs only)** to the Consolidated Fund of India through the Bharat Kosh portal, **within 30 (thirty) days** from the date of this order. Proof of such payment shall be submitted to the ROC within the said period.
- vi) The restoration of the name of the Company on the Register of Companies shall have the effect of placing the Company and all other persons in the same position as nearly as may be, as if the name of the Company had never been struck off from the Register of Companies, in terms of Section 252(3) of the Companies Act, 2013.
- vii) This order is confined to the violations that led to the action of striking off the Company and shall not preclude the ROC from taking such appropriate action(s) as may be permissible in accordance with law for any violation or offence, if any, committed by the Company prior to or during the period of strike-off.

16. Accordingly, the Company Petition (Companies Act)/ 5 (MP) 2026 stands **ALLOWED** and **DISPOSED OF** in the above terms.

Sd/-

**MAN MOHAN GUPTA
(MEMBER TECHNICAL)**

Chandni-L.R.A

Sd/-

**BRAJENDRA MANI TRIPATHI
(MEMBER JUDICIAL)**