IN THE NATIONAL COMPANY LAW TRIBUNAL
JAIPUR BENCH

CORAM: MS. REETA KOHLI,
HON'BLE JUDICIAL MEMBER

MS. KAVITA BHATNAGAR
HON'BLE TECHNICAL MEMBER

Appeal No. 14/252/JPR/2025

IN THE MATTER OF:

NEW TILAK STONES PVT. LTD.

R/o: - Behind Shankar Clinic, Chamra Ghar,

Madanganj, Kishangarh, Rajasthan.

….. Appellant

VERSUS

THE REGISTRAR OF COMPANIES, JAIPUR

Office Address: - C/6-7, First Floor, Residency Area, Civil Lines, Jaipur- 302001 (Rajasthan).

INCOME TAX DEPARTMENT

Office Address: -Ward No. 1 Kishangarh, Income Tax Office, Shree Villa, City Road, Madanganj, Kishangarh.

…….Respondents

For the Appellant : Prabhansh Sharma, Adv.
Nagendra Singh, Adv.

For the RoC : J. R. Meena, DRoC

Order Pronounced On: 07.05.2026

ORDER

1. This Appeal has been filed in the matter of ***New Tilak Stones Private Limited*** ('Appellant Company'), through its Ex-Director, namely *Mr. Neeraj Chajar* ('Appellant') 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 due to not in operation or not carrying in business since its incorporation i.e. 27.11.1996. Consequently, the name of the Company was struck off and notice under section 560 (3) of the Companies Act, 1956 was issued on 21.12.2010 after complying with the provision of section 560 of the Companies Act, 1956 and the name of the company was removed from the register of Companies on 04.05.2019.

3. It is stated that the Appellant Company was incorporated as a Private Limited Company on 27.11.1996 with *CIN No. U14101RJ1996PTC012905*. The Authorised Share Capital is Rs.1,00,000/- and Paid-Up Share Capital is Rs. 20,000/-. The registered office is situated at *behind Shankar clinic, Chamra Ghar, Madanganj, Kishangarh, Rajasthan*, which is within the territorial jurisdiction of this Tribunal.

4. It is submitted by the Appellant that the main Objects of the Company are as set out in the Memorandum of Association and are relating to business of prospecting, exploring, opening and working mines, drill and sink shafts or wells and to pump, refine, raise, dig and quarry for stones, coal, earth,

limestone and other minerals and the stone related business.etc. The Memorandum and Articles of Association of the Company are annexed as Annexure-2 (Colly) of the Appeal.

5. 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. The Appellant states that it could not file its Financial Statements and Annual Returns for the relevant period due to lack of legal assistance and professional support. It is further submitted that the Directors and Shareholders of the Company belong to remote areas of the State of Rajasthan, which contributed to such non-compliance. The Appellant submits that it has never received any notice issued by the Respondent Department regarding the default or proposed striking off of the Company's name. It is pertinent to state that the Appellant became aware of the striking off of the Company's name only when it intended to take steps for expansion of its business.

II. It is submitted by the Appellant that Company is still operational. This is evident from the fact that the Company owns valuable immovable property in its name, intended for use in its business activities. The said land is situated at *203/3/11, Gram Panchayat Pattan, Kishangarh, Rajasthan*. The Company was planning to utilize the said property for its business and commercial purposes. Copy of the Sale Deed dated 26.12.1996 are annexed herewith as Annexure-6 to the Appeal.

Sd/-

Sd/-

III. Further, the Appellant Company has produced its Balance Sheet and Financial Statements for the financial year 2023–2024, which reflect the existence of tangible assets in the Company.

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 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 asset and Financial Statements for the financial year 2023–2024 is trying to establish that it was in operation. Although, the existence of assets does not conclusively establish that the Company was carrying on active business operations, restoration is justified in view of the Company holding substantial immovable property. Non-restoration would cause prejudice to its stakeholders. However, such restoration does not absolve the Company from any penalties arising out of past non-compliances.

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 annual returns and financial statements since its incorporation.

9. 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,

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serves the best interest of the company. This is particularly so, even though the company failed to file its annual returns and financial statements. However, the same can be compensated by way of requisite late filing fees as prescribed under the Companies Act, 2013.

10. Accordingly, this Appeal is allowed and the restoration of the Appellant Company's name, i.e. ***New Tilak Stones 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 since its incorporation 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 on Company and its officer as tabulated hereunder:

Description	**Details**
Financial Years of Non-Compliance	1996-97 to 2023-2024
Total Number of Defaulted Years	28 years
Cost per Financial Year	Rs. 10,000/-
Total Cost Calculation	Rs. 10,000 x 28 years = **Rs. 2,80,000/-**

11. Thus, this order will be subject to payment of cost of Rs. **2,80,000**/- 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

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Company by any authorities, including the Income Tax Department, they may proceed in this regard, in accordance with applicable law.

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' upon the Appellants' due compliance with applicable legal requirements.

13. Certified copies of this order be communicated by the Registry to the Appellant and the Registrar of Companies, Jaipur.

Sd/-

REETA KOHLI
JUDICIAL MEMBER

Sd/-

KAVITA BHATNAGAR
TECHNICAL MEMBER