NATIONAL COMPANY LAW TRIBUNAL

INDORE BENCH

COURT NO. 1

ITEM No.202

Co.Appeal/3(MP)2026

Order under Section 252(3)

IN THE MATTER OF:

Premier Forest (India) Pvt Ltd ....**Applicant**

V/s

RoC Gwalior, MP ....**Respondent**

Coram:

Hon'ble Shri Brajendra Mani Tripathi, Member (J)

Hon'ble Shri Man Mohan Gupta Member (T)

PRONOUNCEMENT OF ORDER

Delivered on 16/07/2026

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 APPEAL 3 (MP) OF 2026

In the Matter of the Section 252 (3) of the Companies Act, 2013
AND
In the matter of premier forest (India) private limited

IN THE MATTER OF:

PREMIER FOREST (INDIA) PRIVATE
LIMITED, the applicant company through its
DIRECTOR, OMPRAKASH GOUTAM SINGH
1, Jai Ambe Nagar Sukhliya,
Indore, Madhya Pradesh,
India, 452008.

...Applicant

V/s

The Registrar of Companies, Gwalior
Office- ROC Bhavan, 3rd Floor, 'A' Block,
Sanjay Complex, Jayendra Ganj,
Gwalior, Madhya Pradesh - 474009,
Contact No: 0751-2321907
Email ID: roc.gwalior@mca.gov.in. ….**Respondent**

Order pronounced on: 16.07.2026

Coram:

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

Appearance:

For the Applicant : Mr. Sahive Alam Khan, PCS (Online)

For the Respondent : None

JUDGEMENT

1. This is a Company Appeal No.3/MP/2026 filed under Section 252(3) of the Companies Act, 2013 (**the 'Act'**).

2. It is submitted that the name of the Company was struck off from the Register of Companies and stood dissolved with effect from 28.04.2022 on account of default in compliance with the statutory requirements.

The Applicant's case in brief is:

3. PREMIER INDIA PRIVATE LIMITED) was registered vide CIN: U02001MP1995PLC009553, as a Private Company Limited by Shares with the Registrar of Companies, Gwalior, Madhya Pradesh having its Registered office at: 1, Jai Ambe Nagar Sukhliya, Indore, Madhya Pradesh, India, 452008

4. The Petitioner humbly prays that, this Hon'ble Tribunal be pleased to grant / order the following Reliefs:

(a) Allow the Company Application.

b) Set aside/quash the orders dated 12.04.2022 passed by the Registrar of Companies, Gwalior, Madhya Pradesh Ministry of Corporate Affairs, Government of India 'Striking Off the name of the Appellant Company from the Register of Members as maintained;

c) Order for restoration of the name of PREMIER FOREST (INDIA) PRIVATE LIMITED in the Registrar of Companies maintained by the Registrar of Companies,Gwalior, Madhya Pradesh and be pleased to further direct the placing of the Company in the same position as nearly as may be as if the name of the Company had not been struck off at all and necessary directions to that effect be given to the Registrar of Companies, Gwalior, Madhya Pradesh.

(d) Directions for allowing PREMIER FOREST (INDIA) PRIVATE LIMITED for filing of the Balance Sheets, Statutory Auditor's Reports, Director Reports and Annual Returns and hold AGM for the year 2017-18 to 2025-26 with such relief as regards the filing & additional fees so far as permissible under law and this Hon'ble Tribunal deems fit;

e) Any other further or other order(s) be made and/or direction or directions be given as this Hon'ble National Company Law Tribunal may deem fit and proper in the facts and circumstances of the present case.

5. The Authorised Share Capital of the Company is Rs. 1,50,00,000/-(Rupees One Crore Fifty Lakhs only) divided into 15,00,000 (Fifteen Lakh) number of equity shares of Rs. 10 (Ten) and the Issued, Subscribed & Paid-Up Capital of the Company is Rs. 1,28,31,000 (One Crore Twenty-Eight Lakh Thirty-One Thousand) divided into 12,83,100 (Twelve Lakhs Eight Three Thousand and One Hundred) number of equity shares of Rs. 10 (Ten) each.

Copy of the Memorandum and Articles of Association and The Certificate of Incorporation along with the master data of the company available on MCA Portal are collectively annexed herewith and marked as **ANNEXURE- 2**

6. At present the Company is managed by the Four Director namely:

Sr. No.	Name	DIN	Designation
1.	OMPRAKASH GOUTAM SINGH	02574122	Director
2.	BALMUKUND SINGH GOUTAM	02574122	Director
3.	RAMDEO SINGH GOUTAM	02574122	Director
4.	SANTOSH KUMAR PANDEY	05205731	Director

Copy of the signatory details available on MCA portal is annexed herewith and marked as **ANNEXURE- 3.**

7. There are Eighteen shareholders in the company and the latest shareholding pattern as on 31.03.2026 of the company is as under:

Sr. No.	**Name of the Shareholder**	**No. of Shares**
1.	BALMUKUND SINGH GOUTAM	100
2.	GEETADEVI SINGH GOUTAM	47200
3.	PRABHA DEVI SINGH GOUTAM	156100
4.	RAKESH SINGH GOUTAM	100
5.	MANOJ SINGH GOUTAM	98300

6.	REENA DEVI GOUTAM	100
7.	OM PRAKASH SINGH GOUTAM	100
8.	SANTOSH PANDEY	1700
9.	RAMDEO SINGH GAUTAM	15000
10.	PHOOL KUNMAR BAI	20000
11.	RAMDEO SINGH SHWBADAN SINGH H.U.F.	80000
12.	RAJVIR SECURITIES AND FINANCE PVT. LTD.	240000
13.	HEMSINGH RAMCHANDRA RAGHUVANSHI	168000
14.	MAHAKAL ENTERPRISES (INDIA) PVT LTD	161400
15.	BALMUKUND SINGH GOUTAM HUF	40000
16.	RAKESH SINGH GOUTAM HUF	15000
17.	OMPRAKASH SINGH GOUTAM HUF	160000
18.	MANOJ SINGH GOUTAM HUF	80000
Total		1283100

8. Copy of the latest shareholding pattern as on 31.03.2026 of the company is annexed herewith and marked as **ANNEXURE- 4.**

9. The main objects for which the Company was incorporated are fully set out in its Memorandum of Association are as under: -

(i) To develop, maintain, grow, sale, purchase, take or give on lease any agriculture land, orchards, farm houses, farm estate, gardens, forest, fish farms, aqua farms and to cultivate, grow, produce, sale, purchase, process, manufacture, refine, blend, mix, utilise, extract, reprocess, add value, import, export or otherwise deal in all kind of agriculture, Mushrooms, herbal plantations, vegetables, fruit products, all kind of forest produces including teak wood, rose wood, eucalyptus plantations, flowers and their derivatives.

(ii) To carry on all or any of the business of horticulturists, farmers nurserymen, seeds men, dairymen, milk contractors, dairy farmers, aquaculturists, sericulturist, pissiculturists, forest owners, processors, manufacturers, extractors, blenders, refiners, purchasers, sellers, dealers and cultivators of all kind of pharmaceutical Berbal, industrial or commercial goods made or extracted from flowers, fruits, vegetables, fofest produces.

10. Financial Statement along with the auditor's report for the financial years from 2017-18 and 2023-24 is reproduce herein:

FY 2017-18.

(Amount in Rs.)

PREMIER FOREST (INDIA) PRIVATE LIMITED

BALANCE SHEET AS AT 31ST MARCH, 2018

CIN - U02001MP1995PLC009553

Particulars	Notes	Amount Current year	Amount Previous Year
I. EQUITY & LIABILITIES			
(1) Shareholders' funds			
(a) Share Capital	1	12,831,000	12,831,000
(b) Reserves & Surplus	2	9,138,012	9,143,116
(2) Share application money pending allotment	3	775,000	775,000
(3) Non-current liabilities			
(a) Long-term borrowings	4	12,337,000	12,337,000
(4) Current liabilities			
(a) Short term provisions	5	88,900	55,200
TOTAL	"A"	**35,169,912**	**35,141,316**
II. ASSETS			
(1) Non-current assets			
(a) Fixed assets	6	12,159,355	12,159,355
(b) Long-term loans & advances	7	18,259,030	18,714,030
(c) Non Current Investments	8	4,298,242	3,881,528
(2) Current assets			
(a) Cash & cash equivalents	10	453,285	386,403
TOTAL	"B"	**35,169,912**	**35,141,316**

[illegible]

PROFIT AND LOSS STATEMENT FOR THE YEAR ENDED ON 31ST MARCH, 2018

CIN - U02001MP1995PLC009553

Particulars	Notes	Amount Current year	Amount Previous Year
II. Other income	11	416,714	359,330
III. Total Revenue (I + II)		**416,714**	**359,330**
IV.Expenses:			
(a) Depreciation and amortization expenses	12	-	-
(b) Other expenses	13	421,818	349,401
Total Expenses		**421,818**	**349,401**
V.Profit before tax (III-IV)		**(5,104)**	**9,929**
VI.Tax expenses:			
(a) Current Tax		-	-
(b) Deffered Tax		-	-
VII.Profit/(loss) for the period (V +VII)		**(5,104)**	**9,929**
VIII.Earnings per equity share:			
(a) Basic		(0.00)	0.01
(b) Diluted		(0.00)	0.01

F.Y. 2023-24

(Amount in hundreds)

PREMIER FOREST (INDIA) PRIVATE LIMITED

Balance Sheet As At 31st March, 2023

U02001MP1996PLC009553

Rupee In Hundreds

	Particulars	Note No.	Figures as at the end of current reporting period	Figures as at the end of the previous reporting period
A	**EQUITY AND LIABILITIES**			
1	**Share Holders' Funds**			
	(a) Share Capital	3	128,310.00	128,310.00
	(b) Reserves & Surplus	4	91,141.08	91,187.11
	(c) Money received Against Share Warrants		-	-
	Total Share Holders' Funds		**219,451.08**	**219,497.11**
2	**Share application money pending allotment**		7,750.00	7,750.00
3	**Non- Current Liabilities**			
	(a) Long Term Borrowings	5	123,370.00	123,370.00
	(b) Deferred tax Liabilities (net)		-	-
	(c) Other Long term liabilities		-	-
	(d) Long- Term provisions		-	-
	Total Non- Current Liabilities		**131,120.00**	**131,120.00**
4	**Current Liabilities**			
	(a) Short-Term Borrowings	6	-	-
	(b) Trade Payables	7	-	-
	(A) total outstanding dues of micro enterprises and small enterprises		-	-
	(B) total outstanding dues of Creditors other than micro enterprises and small enterprises		-	-
	(c) Other Current Liabilities	8	2,574.00	2,237.00
	(d) Short- Term provisions	9	-	-
	Total Current Liabilities		**2,574.00**	**2,237.00**
		TOTAL	**353,145.08**	**352,854.11**
B	**ASSETS**			
1	**Non-Current Assets**			
	(a) Property, Plant and Equipment and intangible assets			
	(i) Property, Plant & Equipment	10	121,593.55	121,593.55
	(ii) Intangible assets		-	-
	(iii) Capital Work-in Progress		-	-
	(iv) Intangible asset under development		-	-
	(b) Non-Current Investments	11	54,551.42	52,762.41
	(c) Deferred Tax Assets (Net)	12	-	-
	(d) Long term Loans And Advances	13	176,370.30	177,870.30
	(e) Other non-current assets	14	-	-
	Total Non-Current Assets		**352,515.27**	**352,226.26**
2	**Current Assets**			
	(a) Current Investments		-	-
	(b) Inventories		-	-
	(c) Trade Receivables	15	-	-
	(d) Cash and cash Equivalents	16	628.52	627.85
	(e) Short-term Loans and advances	17	-	-
	(f) Other Current Assets	18	1.30	-
	Total Current Assets		**629.82**	**627.85**
		TOTAL	**353,145.08**	**352,854.11**
2	Summary of Significant Accounting Policies	2		
	See accompanying Notes forming part of the Accounts	03-33		

PREMIER FOREST (INDIA) PRIVATE LIMITED
Statement of Profit & Loss For The Year Ended 31St March, 2023
U02001MP1995PLC009553

Rupee in Hundreds

	Particulars	Note No.	Figures as at the end of current reporting period	Figures as at the end of the previous reporting period
I	Revenue From Operations	20	18,302.29	-
II	Other income	21	1,789.01	1,667.61
III	**Total Income (I + II)**		20,091.30	1,667.61
IV	**Expenses**			
	(a) Cost of materials consumed	22	17,920.68	-
	(b) Purchase of Stock-in-Trade		-	-
	(c) Changes in inventories of :	23	-	-
	Finished goods		-	-
	Work in Progress		-	-
	stock in trade		-	-
	(d) Employee benefits expense	24	1,804.00	1,340.00
	(e) Finance costs	25	37.52	-
	(f) Depreciation and amortization Expenses	10	-	-
	(g) Other Expenses	26	375.12	362.00
	Total expenses		20,137.32	1,702.00
V	**Profit / (Loss) before exceptional and extraordinary items & tax (III - IV)**		(46.02)	(34.39)
VI	Exceptional items		-	-
VII	**Profit / (Loss) before extraordinary items & tax (V - VI)**		(46.02)	(34.39)
VIII	Extraordinary Items		-	-
IX	**Profit / (Loss) before tax (VII- VIII)**		(46.02)	(34.39)
X	**Tax expense:**			
	(a) Current tax		-	-
	(b) Deferred tax assets/Liabilities		-	-
	(c) Earlier Year Taxes		-	-
XI	**Profit / (Loss) for the period from continuing operations (IX-X)**		(46.02)	(34.39)
XII	**Profit / (Loss) for the period from discontinuing operations**		-	-
XIII	**Tax expense of discontinuing operations**		-	-
XIV	**Profit / (Loss) for the period from discontinuing operations (after tax) (XII-XIII)**		-	-
XV	**Profit / (Loss) for the period (XI + XIV)**		(46.02)	(34.39)
XVI	**Earnings per share (of Rs. 10/- each)**			
	Basic EPS		(0.00)	(0.00)
	Diluted EPS		(0.00)	(0.00)

Copy of the Financial Statement along with the auditor's report for the financial years from 2017-18 onward are annexed herewith and marked as **ANNEXURE- 5 Colly.**

11. It is further submitted that the Registrar of Companies, Gwalior, struck off PREMIER FOREST (INDIA) PRIVATE LIMITED from the register after concluding that the company had not been carrying on business for two consecutive financial years. The ROC published Public Notice No. ROC-G/248(5)/2022/109 dated 12 April 2022 (Form STK-7) listing 1,003 companies—with PREMIER FOREST at serial no. 227, noting it had not applied for dormant status under Section 455. The ROC's finding was based on failures to comply with statutory filings (financial statements and annual returns) for FY 2017-18 to FY 2021-22, and the company's name was removed under Section 248(5) of the Companies Act.

12. Grounds for seeking restoration:

(i) Existence of Substantial Assets: The Company continues to possess substantial assets, including immovable property and land valued at INR 1,21,59,355/-, but its striking off has rendered these assets legally unproductive and prejudiced the interests of shareholders and other stakeholders by preventing their lawful use or disposal. Despite this, the Company is stated to retain a healthy market standing, adequate resources to meet day-to-day liabilities, and the Directors have expressed their commitment to infuse funds and revive operations.

(ii) Prejudice to Stakeholders: Unless restored, the Company cannot file its pending statuary returns and financial statements and other compliances required under the law including payment of its liabilities, causing irreparable loss to shareholders and creditors as well as the stakeholders and the public.

(iii) Inadvertent Default: The failure to file statutory returns was due to a lack of knowledge of the notices and was neither intentional nor mala fide.

(iv) Revenue to State: Upon restoration, the Company undertakes to file all pending returns and pay requisite taxes/fees, benefiting the public.

(v) The company's striking off has created a legal vacuum, leaving it unable to protect its title, discharge land revenue obligations, or pursue recovery of outstanding business dues, restoration is also necessary to preserve the company's substratum and safeguard the interests of its shareholders.

(vi) Restoration of the Appellant Company's name would enable it to resume business operations, generating benefits for shareholders as well as for the Central and State Governments through income tax, GST, and other revenues. Accordingly, restoring the company to the Register of Companies would serve the broader public interest.

(vii) The shareholders have consistently intended to continue the Company's business and use its available resources productively for the benefit of stakeholders and society. They also state that the non-filing of returns was an inadvertent default, as they were unaware of the public notice of the final strike-off order.

(viii) The Company has substantial capital, liabilities, borrowings, and assets, including land valued at INR 1,21,59,355/-, along with long-term loans, advances, and cash balances, indicating that it has been active since inception. Although it defaulted in filing required ROC returns from FY 2017-18 onward, its striking off has rendered its assets legally unproductive and caused prejudice to shareholders and other stakeholders by preventing their lawful use or disposal.

(ix) The Company filed its income tax return for FY 2017-18, which was the latest return available when its name was removed from the ROC register, indicating that it remained active at the time of strike-off and even during the period when it had defaulted in filing statutory returns.

(x) The striking off of the Company for non-filing of annual returns and financial statements has unfairly restricted its ability to exercise shareholder rights in *PREMIER FOREST (INDIA) PRIVATE LIMITED* and has caused serious prejudice to the shareholders and other stakeholders. The Appellant states that the default was neither intentional nor mala fide, and that restoration of the Company is necessary to avoid irreparable loss, hardship, and further prejudice.

LEGAL GROUNDS:

(xi) The appellant argues that the right to carry on a profession, trade, or business under Article 19(1)(g) and the freedom of trade and commerce under Article 301 of the Constitution require that the Company's name be restored in order to allow lawful business activity.

(xii) The presence of land, unsecured loans, substantial movable and immovable assets, revenue, and investments shows that the Company was in fact carrying on business or operations. This is further supported by the filing of audited annual accounts and income tax returns over several years. In that regards the reliance also be taken from the following judgements:

i. Judgement of Hon'ble National Company Law Appellate Tribunal (NCLAT) in the matter of M/s Insuflex Ind Private Ltd. V. Registrar of Companies (NCLAT) in Company Appeal (AT) No. 203 of 2019.

ii. Judgement of Hon'ble National Company Law Appellate Tribunal (NCLAT) in the matter of Surender Kumar Singh & Anr. v. Registrar of Companies (NCLAT) in Company Appeal (AT) No. 53 of 2021.

iii. Judgement of Hon'ble National Company Law Appellate Tribunal (NCLAT) in the matter of Priya Fabricator Pvt Ltd v. The Registrar of Companies (NCLAT) Company Appeal (AT) No. 264 of 2019.

iv. Judgement of Hon'ble National Company Law Appellate Tribunal (NCLAT) in the matter of Sidhi Singh & Anr. Vs. Registrar of Companies (NCLAT) in Company Appeal (AT) No. 49 of 2021.

v. Judgement of Hon'ble National Company Law Appellate Tribunal (NCLAT) in the matter of N K Jain Realbuild Pvt. Ltd. v. Registrar of Companies (NCLAT) in Company Appeal (AT) No. 147 of 2021.

Copy of Such Judgements are attached herewith and marked as ANNEXURE-7 Colly.

13. The Applicant has also declared:

(i) As per section 252(3) of the Companies Act, 2013, appeal can be filed with a period of 20 years from the date of order of ROC. Accordingly, company name was struck off on 28.04.2022 and the application of restoration of name of company u/s 252(3) was filed on 23.06.2026 which is well within 20-year time limit.

(ii) That the Applicant not previously filed any application, writ petition or suit regarding the matter in respect of which this Application has been made before any court of law or any other authority or any other bench of the Board and not any such application, writ petition or suit is pending before any of them.

14. The Applicant enclosed the following documents giving justification / substantiating that the Company has been operational:

(i) Copy of Public Notice dated 12.04.2022 issued by the Respondent in form STK 7

(ii) Copy of the Memorandum and Articles of Association along with the master data of the company available on MCA Portal.

(iii) Copy of the signatory details available on MCA portal.

(iv) List of Shareholders of the Company.

(v) Copy of the Financial Statement along with the auditor's report for the financial years from 20l7-18 and 2023-24.

(vi) Copy of the Income Tax Return for the financial years 2017-18

(vii) Copy of Judgement relied upon.

15. Upon restoration, the Company undertakes to file all pending statutory documents, including financial statements and annual returns from FY 2017-18 onwards, in compliance with the Companies Act, 2013, and to pay any future income tax liabilities arising from its business operations. Unless the present application is allowed and the name of the company is not restored on the Register of Companies maintained by the Registrar of Companies, the applicant as well as its shareholders and stakeholders shall suffer irreparable loss and hardship and will be highly prejudiced.

16. **The Respondent's reply and Applicant's rejoinder in brief is:**

In response to the notice issued to the Registrar of Companies Gwalior/Respondent, a separate report dated 07.07.2026 was filed by the RoC in respect of the petition, setting out certain observations and to which the applicant has furnished their detailed Affidavit in rejoinder and clarifications on 08.07.2026. The details of the reports and undertakings are given below:

S.No.	**Observation of ROC**	**Response/Clarification of the Applicant**

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 since 2017, as per the requirement of Companies Act, 2013.	It is submitted that in the event of revival and restoration of the name of the Company in the Register maintained by the ROC, the Struck off company shall do all such things necessary to do compliance with filing of statutory documents.
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 submitted that the applicant seeks the waiver of publication of the order of the NCLT in widely circulated newspaper (Hindi and English) as it will be unnecessary cost burden and it’s even not possible to publish entire order of the NCLT. Moreover, in this company no public shareholders are involved and it is a closely held private limited company. However, if the requirement be, a notice/intimation of revival of the company can be published.
3.	The Hon'ble Tribunal would be pleased to direct the applicant to deposit the cost of publication of order in Official Gazette in Pay & Accounts Officer, Mumbai account.	It is submitted that the cost of publication in official Gazette shall be paid in Pay And Accounts Officer, MCA, Mumbai.

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 submitted that no assets/properties have been acquired/disposed of after the date of strike off of the company.
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 submitted that no management dispute is there in the company.
6.	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 fine/penalty/additional fees as per Rule and submit the compliance report before the Hon'ble Tribunal.	It is submitted that the applicant undertakes to complete all pending statutory requirement within 60 days from date of order and also undertake to file compliance affidavit in this regard before Hon'ble Tribunal.

17. It is further submitted that notices have been served upon the Income Tax Department, however, no response has been received from the Department.

Observations and Analysis:

18. We have carefully considered the submissions made by the Learned Counsel for the Applicant and perused the documents placed on record. It

is observed that the Appellant has filed the present petition under Section 252(3) of the Companies Act, 2013, seeking restoration of the name of the company i.e ***Premier Forest (India) Private Limited*** in the Register of Companies maintained by the Registrar of Companies, Gwalior.

19. The master data and annexed records establish that as on the date of strike off, the Company had three directors:

(i) Omprakash Goutam Singh.

(ii) Balmukund Singh Goutam.

(iii) Ramdeo Singh Goutam.

(iv) Santosh Kumar Pandey.

20. It is observed that the grievance of the Applicant is that the name of the Company- ***Premier Forest (India) Private Limited*** (the Company registered under Companies Act, 2013) has been struck off by the RoC seriously affecting not only the shareholders but other debtors and creditors also.

21. The applicant submits that restoration of name of the company is essential for the shareholders and directors as they are desirous of reviving the business operations of the company and safeguarding and monetizing its assets. Further the applicant submits that if the name of the company is not restored then it will cause substantial and irreparable loss to the company and its members.

22. At this juncture, it will be advantageous to examine the mandatory requirements of Section 252 (3) of the Companies Act, 2013 insofar as the grant of relief as prayed for by to the appellant is concerned. The Section 252 (3) of the Act is reproduced below for better appreciation:

Section 252. Appeal to Tribunal

(1)……

(2)……

(3) 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.

On perusal of the aforesaid provision, we find that any person, aggrieved by an order of the ROC, can challenge the striking-off action before this Tribunal within 20 years from the date of the order.

23. In the instant case, the application has been filed on 23.06.2026 and the company was struck off on 28.04.2022, therefore the present Application has been filed within the limitation period as prescribed under Section 252(3) of the Companies Act, 2013.

24. The tribunal notes that the petitioner has placed on record audited financials (Annexure-5 colly), income tax return for FY 2017-18, details of immovable property and a shareholding chart showing 18 shareholders. These documents prima facie demonstrate that the company had assets, affairs and accounting records inconsistent with a status of complete dormancy or disappearance. The petitioner has averred that the non-filing was inadvertent and not mala fide, and

that shareholders and directors intend to revive operations and comply with statutory obligations.

25. The Company presently holds significant capital and liability, with an authorized paid-up capital, borrowing along with the assets in the company including land of INR 1,21,59,355/-, long term loans and advances, cash and cash equivalent in its financial statements, the figures are vary from time to time which further justifies that the company has been active since inception and even during the period FY ended on 31st March 2018 onward, the company failed to file necessary returns with the ROC. The striking off of the Company from the Register of Companies has resulted in its assets being rendered legally unproductive and has caused prejudice to shareholders and all stakeholders by preventing legitimate use or disposal of those assets.

26. The presence of land, unsecured loans, substantial movable and immovable assets, revenue, and investments shows that the Company was in fact carrying on business or operations. This is further supported by the filing of audited annual accounts and income tax returns over several years. In that regards the reliance also be taken from the following judgements:

    i. Judgement of Hon'ble National Company Law Appellate Tribunal (NCLAT) in the matter of M/s Insuflex Ind Private Ltd. V. Registrar of Companies (NCLAT) in Company Appeal (AT) No. 203 of 2019.

    ii. Judgement of Hon'ble National Company Law Appellate Tribunal (NCLAT) in the matter of Surender Kumar Singh & Anr. v. Registrar of Companies (NCLAT) in Company Appeal (AT) No. 53 of 2021.

    iii. Judgement of Hon'ble National Company Law Appellate Tribunal (NCLAT) in the matter of Priya Fabricator

Pvt Ltd v. The Registrar of Companies (NCLAT) Company Appeal (AT) No. 264 of 2019.

iv. Judgement of Hon'ble National Company Law Appellate Tribunal (NCLAT) in the matter of Sidhi Singh & Anr. Vs. Registrar of Companies (NCLAT) in Company Appeal (AT) No. 49 of 2021.

v. Judgement of Hon'ble National Company Law Appellate Tribunal (NCLAT) in the matter of N K Jain Realbuild Pvt. Ltd. v. Registrar of Companies (NCLAT) in Company Appeal (AT) No. 147 of 2021.

Accordingly, the Tribunal observes that the Company is entitled to restoration, subject to appropriate conditions to ensure compliance with statutory requirements and transparency post-restoration.

27. The Registrar of Companies, Gwalior, in its report dated 07.07.2026, has not raised any serious objection to the restoration of the Company’s name but has prayed that appropriate directions be issued to the Applicant for filing all pending statutory documents, publication of the restoration order, and payment of the cost of Gazette notification. Applicant has duly undertaken to comply with all such directions and to complete all overdue filings within 60 days from the date of restoration.

28. It is noted that the Applicant has furnished explanations and undertakings in response to all observations made by the Registrar of Companies. Further, there are no pending disputes regarding ownership of the Company’s assets or management.

29. In view of the judgments relied on by the Appellant, we are satisfied that it is otherwise just to restore the name of the Company in the Register of Companies, Gwalior.

<u>O R D E R</u>

30. By exercising the powers conferred on this Tribunal under Section 252 of the Companies Act, 2013, the Tribunal hereby issues the following directions:

(a) We direct the Registrar of Companies, Gwalior to restore the name of the Company i.e ***Premier Forest (India) Private Limited*** in the Register of Companies maintained by the Registrar of Companies, Gwalior, as if the name of the company has not been struck off from the Register of Companies with resultant and consequential actions like changing status of Company from "Strike off" to "Active".

(b) The restoration of the Company's name is subject to the payment of cost of Rs. 50,000/- (Rupees fifty thousand only) to be paid to the Consolidated Fund of India through Bharat Kosh and submission of proof of such payment to ROC within 15 days of this order. Consequently, the Bank Account(s) shall be defreezed (if frozen).

(c) The appellant company is directed to file a copy of this order with the ROC within 30 days from the date of this order. ROC shall give effect of this Order only after perusal of the Compliance report of cost imposed.

(d) The Appellant Company is directed to file all pending statutory document(s) along with prescribed fees/additional fee/fine as decided by ROC within 60 days from the date on which its name is restored on the Register of Companies by the ROC. A compliance report shall be submitted to this Tribunal and the RoC within 60 days.

(e) The Company shall publish summary of this order in one widely circulated English newspaper and one Hindi newspaper within 30 days of this order, at the Company's expense, and file proof of publication with the RoC within 30 days.

(f) The Company shall deposit the cost of publication of this order in the Official Gazette with the Pay & Accounts Officer, Mumbai account, within 30 days, and submit proof of deposit to the RoC.

(g) This Order is confined to the violations, which ultimately led to the action of striking of the Company, and it will not come in the way of ROC to take appropriate action(s) in accordance with law for violation/offense, if any, committed by the appellant company any prior to or during the striking of the Company. The Appellant Company shall make good the offences, if any arising out of non-compliances of various sections under Companies Act, 2013.

31. Accordingly, **Company Appeal No. 3/2026** stands **allowed** and **disposed of** in the above terms.

Sd/-
MAN MOHAN GUPTA
(MEMBER TECHNICAL)

Sd/-
BRAJENDRA MANI TRIPATHI
(MEMBER JUDICIAL)

Anushka Rawat- LRA