

**IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH (COURT II)
KOLKATA**

CP No. 94/KB/2025

In the matter of

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

And

In the matter of :

AKC Bharti Automobile Private Limited (Company Name Struck Off By Registrar Of Company) a company incorporated under the Companies Act, 2013 having CIN: U50400BR2021PTC050549, having its registered office at C/O- A. Kumar, Ramchandrapur Biharsharif, Nalanda, Nalanda, Bihar, India, 803101.

..... Struck Off

-And-

In the matter of :

Abhijit Kumar Choudhary, working for gain at C/O- A. Kumar, Ramchandrapur Biharsharif, Nalanda, Nalanda, Bihar, India, 803101.

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... Applicant

-- Versus --

In the matter of :

The Registrar Of Companies, Bihar, having its office at, Mourya Lok Complex, 4th floor, Block-A, Dak Bunglow Road, Patna-800001

..... Respondent

Date of Pronouncement: 22.06.2026

Appearances (via Video Conference)/Physical:

Ms. Meenakshi Manot, Adv.] For Applicant

Mr. Rontu Das, Adv.]

ROC, Bihar

Coram:

Shri. Labh Singh, Member (Judicial)

Ms. Rekha Kantilal Shah, Member (Technical)

O R D E R

Per: Rekha Kantilal Shah, Member (Technical)

- 1) This Company Petition has been filed by Abhijit Kumar Choudhary u/s. 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 Companies, Bihar. It is stated that the name of AKC Bharti Automobile Private Limited (“Company” / “Petitioner Company”) was struck off on 10/10/2022.

- 2) It is contended that the Company had not filed the Financial Statements for the financial years ended 31/03/2023 and 31/03/2024 and Annual Returns of the Company for the financial years ended 31/03/2023 and 31/03/2024 and commencement of business in Form-20A due to inadvertent mistake whereas mistake was purely unintentional and lack of knowledge of the person authorized to look after the filing of statutory obligation and has produced copies of the said financial statements and has produced copies of the said annual returns, Statement of Bank Accounts as well as the IT returns have also been produced. It is further contended that the Company has as on 31/03/2024 other current liabilities amounting to Rs 2,78,000/- and Long- Term Borrowings amounting to Rs 10,00,000/- Short Term 59,345.55/- , Cash & cash equivalent amounting to Rs 16,42,999.75/-, Other Current Assets amounting to Rs 67,996/- and it will be unfair to the Creditors and the stakeholders if the company is struck-off. Upon the said contentions, the Ld. Counsel for the Petitioner prayed for passing of an order for restoration of the name of the appellent company.

- 3) Notices were issued to the Registrar of Companies, Bihar. The Registrar of Companies, Bihar has submitted a report 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, Bihar has struck off the name of the company from the register.
- 4) Registrar of Companies, Bihar has not objected to this application for restoration of the name of the company. On perusal of the application we are satisfied that the name of the company should be restored to the register. Therefore, this petition deserves sympathetic consideration. Accordingly, the present petition is allowed on the following terms:-
- a) The Registrar of Companies, Bihar 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 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 filing of commencement of business in Form - 20A, Annual Accounts for the year ended 31/03/2023 and 31/03/2024 and Annual returns for the year 31/03/2023 and 31/03/2024 respectively along with prescribed fees/additional fee/fine as decided by Registrar of Companies, Bihar within 45 days from the date on which its name is restored on the register of

companies maintained by the Registrar of Companies, Bihar.

- c) The restoration of the Company's name is also subject to the payment of cost of Rs.25,000/- (Rupees Twenty Thousand only) through online payment in www.mca.gov.in under miscellaneous fee by mentioning particulars as **"Payment of cost for restoration of company pursuant to orders of NCLT in C.P. No. 94/KB/2025"**.
 - d) The petitioner is directed to deliver a certified copy of this order with Registrar of Companies, Bihar 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, Bihar 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, Bihar to take appropriate action(s) in accordance with law, for any other violations / offences, if any, committed by the petitioner company prior to or during the period the name of the Company remained struck off.
- 5) The **C.P. No. 94/KB/2025** is disposed of accordingly.
- 6) The Registry is directed to send e-mail copies of the order forthwith to all the parties inclusive of the Counsel.

7) Urgent certified copy of this order, if applied for be issued upon compliance with all requisite formalities.

REKHA KANTILAL SHAH
Member (Technical)

LABH SINGH
Member (Judicial)

Order Signed on 22nd day of June, 2026

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