

**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**DIVISION BENCH, COURT – 1, AHMEDABAD**

ITEM No.235  
Appeal/9(AHM)2026

**Proceedings under Section 252 (3) of Companies Act, 2013**

**IN THE MATTER OF:**

**Mr. Anand Chandrakanth Sheth**  
**(AMPS Investment Private Limited)**  
Having address at: Bipin Villa, Near  
Dashaporwad Society, Paldi, Ahmedabad  
City, Paldi, Ahmedabad, Gujarat-380007

.....Appellant

**V/s**

**The Registrar of Companies**  
ROC Bhavan, Opp. Rupal Park Society,  
Behind Ankur Bus Stop, Naranpura,  
Ahmedabad-380013, Gujarat.

.....Respondent

**Order delivered on: 16/06/2026**

**C O R A M:**

MR. SHAMMI KHAN, HON'BLE MEMBER (J)  
MR. SANJEEV SHARMA, HON'BLE MEMBER (T)

**P R E S E N T:**

For the Appellant :Mr. Salil M Thakor, Adv.  
For the Income Tax Dept. :Ms. Kinjal Trivedi, Junior Standing Counsel  
For the RoC :None

**ORDER**  
**(Hybrid Mode)**

1. This company appeal has been filed on 15.04.2026, under Section 252(3) of the Companies Act, 2013 by the Appellant being director and shareholder of the strike off company, seeking restoration of the Company's name in the Registrar of Companies maintained by the **Registrar of Companies, Gujarat, Dadra & Nagar Haveli**, (hereinafter referred to as "the Respondent" or "RoC"). The Appellant prays for the following reliefs:-
  - i. *That this Honorable Tribunal may be pleased to exercise its power under Section 252 of the Act and direct the Respondent to restore the name of the company in the Register of Companies in the interest of the Company,*

- its Members, and other stakeholders directly and indirectly associated with the company.*
- ii. *That this Honorable Tribunal may be pleased to waive any cost or penalty on the Company;*
  - iii. *That this Honorable Tribunal be pleased to pass such further orders and other consequential directions as this Honorable Tribunal may deem fit in the interest of justice.*

2. The facts of the case are narrated as under:-

2.1 The Appellants submits that the Company was incorporated on 05.07.1982 under the Companies Act, 1956 with an Authorized Share Capital of Rs.1,00,000/- divided into 10,000/- equity shares of Rs.10/- and the Issued, Subscribed and Paid Up Share Capital of the Company is Rs.1,00,000/- divided into 10,000/- equity shares of Rs.10/- with Corporate Identification Number (CIN) U65910GJ1982PTC005306, and has its registered office at Bipin Villa Nr. Dashaporwad Society, Paldi, Ahmedabad-380007, Gujarat, India.

2.2 The main object of the Company as per its Memorandum of Association are as under:-

- i. *To carry on the business of investment company and to buy, underwrite, invest, acquire and hold shares, stocks debentures, debenture-stocks, bonds, notes; obligations and securities issued or guaranteed by any company, or body corporate and debentures, debenture-stocks, bonds; obligation's savings certificates and securities issued or guaranteed by any State or Central Government, public body or authority Municipal, local or otherwise whether in India or elsewhere; and to invest funds in post office savings accounts, unit trust or in such other bonds.*
- ii. *To carry on the business of financial and advancing short-term and long-term loans and credits to individuals, companies or associations of individuals by whatever name called, either on securities such as land, buildings or part thereof, machinery plants, chattels, shares, debentures, Government Securities, Stock certificates, Life Insurance Policies, and Unis, stock-in-trade or on guarantee, on clean without securities.*

2.3 It is submitted that 27.07.2007, the Respondent had sent the Notice for removal of name of the company from the Register of Companies to Petitioner No.1 pursuant to sub-section 560(6) of the Act. Petitioner No.1 was unable to make the necessary representations before the

Respondent because of internal renovation work was being carried out at the Registered Office of Petitioner No. 1 at that time. During said internal renovation, many files and documents were shifted to ensure the safeguard and preserve the documents in safe custody. Many documents including the notice sent by the Respondent of the company were accidentally misplaced. The company is unable to find and recover the said notice sent by the Respondent.

- 2.4 It is further submitted that the Respondent struck off the name of the company from the Register of Companies pursuant to a public notice dated 27.07.2007. A copy of the same is annexed as **Annexure-2**. It is submitted that the company has assets and is managed by the same. The copy of the Sale Deeds are annexed as **Annexure-3**.
  - 2.5 It is submitted that the company has not been carrying on its business and operations and has not prepared its financial statements since the Financial Year 2003-2004. Copies of the financial statements for the financial years 2002-2003 and 2001-2002 are annexed as **Annexure-4**. It is submitted that the company shall file financial statements after 2002-2003 with the Respondent in time.
  - 2.6 It is further submitted that the present Appeal has been filed within the period prescribed under the Companies Act, seeking restoration of the name of the Company to the Register of Companies. It is submitted that the Company is operational and the Appellants intend to revive and continue its business activities. Non-restoration of the Company's name would cause grave prejudice and irreparable loss to the Company and its members and would adversely affect its business prospects.
  - 2.7 The Appellant further declares that no other petition/application is pending before any Tribunal of law or any other authority or any other Tribunal.
3. After issuance of notice, Respondent/RoC filed its Report/Reply on 15.06.2026 vide Inward No. R 351, has confirmed the striking off company's name on 27.07.2007, on the ground that the company was not carrying on business or

operation and had failed to comply with statutory filing requirements, leading to action under Section 560 of the Companies Act, 1956.

4. It is further submitted that the Petition has been filed after a delay of about 19 years from the date of striking off. The only asset disclosed is a land parcel having a book value of Rs. 82,542/- as per the FY 2002-03 financial statements. However, the Appellant has subsequently produced valuation reports in respect of the said property. The Company has not filed statutory returns since FY 2003-04 and has failed to place on record any material evidencing business operations or a viable revival plan. Accordingly, the Registrar of Companies duly complied with the prescribed procedure before striking off the Company's name. It is further submitted that any disqualification incurred under Section 164(2)(a) of the Companies Act, 2013 cannot be removed in the present proceedings.
5. After issuance of notice, Income Tax Department has also filed its report on 15.06.2026 vide Inward No. R 355, which is reproduced as under:-
  - a. Upon examination of the records, it is observed that PAN AABCA6344D stands in the name of M/s. AMPS Investment Private Limited and is presently active. It is further noted that the Company has filed an application under Section 252(3) of the Companies Act, 2013 before the Hon'ble NCLT, Ahmedabad, seeking restoration of its name and has disclosed ownership of immovable properties situated at Survey No.250/A, S.P. Nos. 27 and 28, Uma Industrial Estate, Vasna-Iyava, Sanand, Ahmedabad.
  - b. Based on the records presently available, the Income-tax Department has no specific objection to the restoration of the Company. However, any restoration may be made subject to safeguarding the interests of the Revenue and without prejudice to the Department's right to initiate or continue any proceedings permissible under the Income-tax Act, 1961, including assessment, reassessment, recovery, or other statutory actions, as may be warranted.
6. In compliance of order dated 16.04.2026, an affidavit has been filed on 27.05.2026 vide Inward No. D 4297 wherein a valuation report of lands owned by the company, situated at: Survey No. 250/A, S.P. Nos. 27 and 28, Uma Industrial Estate, Near Toll Plaza, Sanand-Viramgam Highway, Vasna-Iyava, Taluka: Sanand, District: Ahmedabad. A copy of valuation report dated 15.05.2026, of

land bearing no. 250/A, S.P. No. 27 is at **Annexure-B** and land bearing no. 250/A, S.P. No. 28 is at **Annexure-C**.

7. We have heard the learned counsel for the Appellant and learned junior standing counsel for the Income Tax Department, considered the ROC Report and perused the material on record.
8. Section 252(3) of the Companies Act, 2013 enables restoration of a company whose name has been struck off from the register of companies, including companies struck off under the provisions of the erstwhile Companies Act, 1956.
9. This Tribunal has considered whether the Company was carrying on business or in operation at the time of its name being struck off or whether it is otherwise just and equitable that the name of the Company be restored as contemplated under Section 252(3) of the Companies Act, 2013. The material on record establishes that the Company owns immovable property situated at Survey No. 250/A, S.P. Nos. 27 and 28, Uma Industrial Estate, Near Toll Plaza, Sanand-Viramgam Highway, Vasna-Iyava, Taluka: Sanand, District: Ahmedabad. It is well settled that ownership of immovable property by a struck-off company constitutes sufficient ground for restoration under Section 252(3) of the Companies Act, 2013.
10. Therefore, in view of the above facts, we consider it just and proper to restore the name of the company in the Register of Companies, from the date of its striking off, subject to payment of the subscription amount as per the provisions of the Act. Accordingly, we order as under: -
  - (i) The name of the Company **M/s. AMPS Investment Private Limited** shall be restored to the register of companies maintained by the Registrar of Companies, Ahmedabad, Gujarat, within 30 days of this order and its status shall be changed from 'Strike Off' to 'Active'.
  - (ii) The Company shall file all pending statutory documents, including annual returns and financial statements for all pending financial years as may be required by the Registrar of Companies in accordance with law, along with applicable fees, penalties, and additional fees, within 45 days from the date of this order. A compliance report shall be submitted to this Tribunal and the RoC within 60 days.

- (iii) The Appellant shall publish this order in one widely circulated English newspaper and one Gujarati newspaper in Gujarat within 15 days of this order, at the Company's expense, and file proof of publication with the RoC within 30 days.
- (iv) The Company shall deposit the cost of publication of this order in the Official Gazette with the Pay & Accounts Officer, Ahmedabad, within 30 days, and submit proof of deposit to the RoC.
- (v) The Appellant shall file an affidavit within 30 days declaring whether any assets or properties were acquired or disposed of after the strike-off date (27.07.2007). If so, details of such transactions shall be provided to the Tribunal and the RoC.
- (vi) Upon restoration, the Company and all other persons shall be placed in the same position as if the Company's name had not been struck off, subject to compliance with the above conditions.
- (vii) As noted above, during the hearing on 16.06.2026, Ld. Counsel appearing on behalf of the Appellant has volunteered to pay a sum of Rs.10,00,000/- as costs with the MCA. Taking into consideration and submission of Ld. Counsel of the Appellant, the restoration of the company name is subject to payment of cost of **Rs.10,00,000/-** through online payment in [www.mca.gov.in](http://www.mca.gov.in) under miscellaneous fee by mentioning the particular as **"payment of cost for revival of the company"**.
- (viii) It is further observed that by virtue of this order of restoration of the name of Company in the register it will not entitle the Directors of the Company whose names in case have been disqualified by virtue of provisions of Section 164 of the Companies Act, 2013 by the Respondent/RoC automatically to be restored to directorship except in accordance with law.
- (ix) The Appellant is directed to deliver a certified copy of this order to the RoC and Income Tax Department within thirty days via Speed Post and e-mail from the receipt of this order;
- (x) On such delivery and after duly complying with the above directions, the Registrar of Companies, Ahmedabad, is directed to, on its office name and seal, publish the order in the Official Gazette;
- (xi) 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 ROC to take appropriate action(s) in accordance with law, for any

other violations/offences, if any, committed by the Company prior or during the striking off of the company.

(xii) The Appellant, who has filed the present petition on behalf of the Company, is directed to personally ensure compliance of this order;

(xiii) Failure to comply with any of the above conditions may result in further action by the RoC, including penalties under the Act.

11. Accordingly, **Appeal/9(AHM)2026** stands allowed and disposed of, in the above terms.

12. A certified copy of this order, if applied for, be issued upon compliance with all requisite formalities.

SD /-

**SANJEEV SHARMA**  
**MEMBER (TECHNICAL)**

Sweta/Steno

SD /-

**SHAMMI KHAN**  
**MEMBER (JUDICIAL)**