

**NATIONAL COMPANY LAW TRIBUNAL**  
**INDORE BENCH**  
**COURT NO. 1**

ITEM No.202  
CP/16(MP)2026

**Order under Section 252(3)**

**IN THE MATTER OF:**

Madhur Dawani

.....Applicant

V/s

The Registrar of Companies Madhya Pradesh Gwalior

.....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)**

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

**Company Petition No. 16/MP/2026**

[Under Section 252(3) of Companies Act,2013]

In the matter of:

**Madhur Dawani**

S/o Mahendra Dawani

(Having PAN: ALVPD0530G)

**(Shareholder of Alpine Nirman Private Limited)**

Address: 38 A Gulmarg Colony Saket,

Indore - 452001, Madhya Pradesh.

...Applicant

Versus

**Registrar of Companies, Gwalior**

3<sup>rd</sup> Floor, 'A' Block, Sanjay Complex

Jayendra Ganj, Gwalior,

Madhya Pradesh

...Respondent

**C O R A M:**

**HON'BLE SH. BRAJENDRA MANI TRIPATHI, MEMBER (J)**

**HON'BLE SH. MAN MOHAN GUPTA, MEMBER (T)**

**Order Pronounced on 16.06.2026**

**Appearance:**

For the Applicant

: Mr. Jatin Sehgal, Adv.

**ORDER**

1. Present petition has been filed under Section 252(3) of the Companies Act, 2013 by Shri Madhur Diwani, Shareholder of Alpine Nirman Private Limited (CIN: U45200MP2007PTC019337) having Authorised Share Capital of Rs. 2,00,000/- (Rupees Two Lakhs Only) divided into 20,000 equity shares of Rs. 10/- each and Issued, Subscribed and Paid-up Capital of the Company is 1,00,000/- (Rupees One Lakh Only) divided into 10,000 number of equity shares of Rs. 10/- (Rupees Ten Only) each seeking relief against the respondent to restore the name of the said company in the Register of Companies maintained by the Registrar of Companies, Gwalior.
2. The name of the Company was struck off from the Register on account of the reason that the Company did not file its Annual Return and Financial Statement since the financial year 2010-11. The ROC published a public notice for Striking off and Dissolution of the Company in Form STK-7 vide Gazette Notification dated 09.06.2017, and the name of the Company was formally struck off on 29.06.2017.

**PLEADINGS AND SUBMISSIONS OF THE APPLICANT**

The Applicant, Shri Madhur Dawani, S/o Mahendra Dawani, has filed this petition as a 50% shareholder of Alpine Nirman Private Limited, contending as follows:

1. That M/s. Alpine Nirman Private Limited was duly incorporated on 09.03.2007 under the Companies Act, 1956, as a Private

Limited Company bearing CIN: U45200MP2007PTC019337.  
The registered office of the Company is situated at 308, Palasia Tower, 1/2, New Palasia, Indore – 452001, Madhya Pradesh.

2. The Petitioner submits that there are two shareholders of the Petitioner Company namely Mr Mahendra Dawani and Madhur Dhawani, each holding 5000 shares of the Company i.e. 50%-50% of the Equity Shares. The Applicant is a shareholder of the aforesaid Company and holds 5,000 equity shares out of a total of 10,000 equity shares, constituting 50% of the total paid-up share capital of the Company, and therefore has a direct and legitimate interest in the restoration of the Company.
3. That the Company was engaged in the business of construction and related infrastructure activities, and its Board of Directors had never resolved to discontinue the Company's operations at any point in time. The Company continued to possess assets and liabilities as reflected in its books of accounts.
4. The Applicant has produced the summary of the financials of the Company as on March 31, 2026 is as under:
  - I. Shareholders' Funds
    - Equity Share Capital: ₹1,00,000
    - Reserves & Surplus: 1,87,357.65
    - Total Net Worth: ₹2,87,357.65
  - II. Borrowings
    - Long-Term Borrowings (Unsecured Loans): ₹62,29,973
    - Short-Term Borrowings: Nil
  - III. Current Liabilities
    - Sundry Creditors: ₹18,40,000
    - Statutory/Professional Payables: 2,34,000

- Current Liabilities: 20,74,000

IV. Assets Position

- Fixed Assets: ₹31,741.40
- Inventories (Closing Stock): 65,91,279
- Short-Term Loans & Advances: ₹10,00,000
- Cash & Bank Balance: ₹9,68,310.25

5. The Applicant submits that the Company is an active and operational entity and has never ceased its business activities. The financial statements of the Company reflect substantial assets, including inventory valued at approximately ₹65,91,279/-, cash and bank balances, loans and advances, along with significant liabilities comprising unsecured loans of ₹62,29,973/- and current liabilities aggregating to ₹20,74,000/-. The existence of such assets and liabilities demonstrates that the Company is a going concern and not a defunct or shell entity. It is further submitted that striking off the name of the Company from the Register of Companies has caused serious prejudice to the interests of its creditors, members and other stakeholders, as the Company has been rendered incapable of effectively discharging its obligations and enforcing its rights in respect of its assets and receivables.

6. The Applicant further submits that the Company has continuously maintained proper books of account and identifiable assets, including fixed assets, inventory and receivables. The Company has also been actively operating its bank account, which reflects regular debit and credit transactions during the relevant period. The said banking

transactions establish that the Company was carrying on business and financial dealings and was not a defunct or non-operational entity at the time its name was struck off. The regular banking activity, coupled with the financial records of the Company, substantiates that the Company was “in operation” within the meaning of Section 252 of the Companies Act, 2013.

7. The Applicant submits that the Company had been regularly preparing its balance sheets, annual returns and other requisite records in accordance with law and had also filed Income Tax Returns for Assessment Years 2012-13, 2013-14, 2022-23, 2023-24, 2024-25 and 2025-26 under the provisions of the Income Tax Act, 1961. The filing of such returns and maintenance of financial records clearly demonstrate that the Company remained operational and was carrying on business activities notwithstanding the inadvertent defaults in filing certain statutory documents with the Registrar of Companies.
8. The Applicant further submits that the Company is a closely held private limited company having two directors and two shareholders holding the entire share capital of the Company. The Company possesses substantial assets and liabilities and intends to continue its business activities in the field of construction and real estate development. Upon issuance of the striking off notice, the shareholders and directors expressed a bona fide intention to revive the Company and bring it into complete statutory compliance.

The Board of Directors has also approved the necessary steps for filing all overdue documents and restoring the Company's status on the MCA portal.

9. The Applicant submits that the non-filing of statutory returns and financial statements was purely inadvertent and occurred due to bona fide administrative lapses and lack of professional guidance, without any fraudulent, mala fide or deliberate intention. The Company has accepted the default and undertakes to make good all pending compliances, including filing of overdue financial statements and annual returns along with applicable filing fees, additional fees and other charges as may be prescribed. The Applicant further undertakes to file all pending statutory documents within the time granted by this Hon'ble Tribunal upon restoration of the Company's name.
10. The Applicant submits that the Company had assets, liabilities and ongoing business activities at the time of striking off and, therefore, the action of the Registrar in striking off the Company's name does not reflect its true operational status. The striking off has adversely affected the interests of the Company, its shareholders, creditors and other stakeholders. In the circumstances, it is just, equitable and in the interest of justice that the name of the Company be restored to the Register of Companies under Section 252(3) of the Companies Act, 2013, thereby enabling the Company to continue its business operations, safeguard stakeholder

interests, discharge its lawful obligations and regularise all pending statutory compliances.

**REPLY AND SUBMISSIONS ON BEHALF OF THE REGISTRAR OF COMPANIES, MADHYA PRADESH**

In response to the notice issued to the Registrar of Companies, Madhya Pradesh, Gwalior / Respondent, a Report bearing No. ROC-G/u/s 252(3)/Alpine Nirman/419 dated 03.06.2026 was filed by the RoC in respect of the petition, setting out certain submissions and prayers, to which the Appellant has furnished its detailed Affidavit-in-Reply. The details of the said submissions and the Appellant's clarifications are tabulated below:

<b>S.No.</b>	<b>Particulars</b>	<b>ROC Report (dated 03.06.2026)</b>	<b>Reply of Applicant (dated 08.06.2026)</b>
1.	<b>Incorporation of Company</b>	Alpine Nirman Pvt. Ltd. (CIN: U45200MP2007PTC019337) was incorporated on 09.03.2007 as a Private Limited Company. Registered office: 308, Palasia Tower, 1/2, New Palasia, Indore – 452001.	Applicant does not dispute the facts of incorporation and acknowledges the same as matters of record.
2.	<b>Strike-off of Company</b>	The Company's name was struck off on 29.06.2017 under Section 248 of the Companies Act, 2013. Notice was issued on 10.03.2017 u/s 560(5)/248(2). The name appeared at Sl. No. 215 of the Official Gazette published on 09.06.2017.	Applicant admits the striking off as a matter of record. The present petition u/s 252(3) has been filed within the 20-year statutory limitation period.

S.No.	Particulars	ROC Report (dated 03.06.2026)	Reply of Applicant (dated 08.06.2026)
3.	<b>Non-filing of Statutory Documents</b>	As per MCA21 database, the Company has not filed its Annual Return and Balance Sheet since 2010, i.e., up to 31.03.2025.	Applicant admits the non-filing and undertakes that upon restoration, all pending Financial Statements, Annual Returns and statutory documents shall be filed along with applicable fees, additional fees and charges as prescribed under law.
4.	<b>Shareholding</b>	The petition has been filed by Mr. Madhur Dawani, who holds 5,000 equity shares out of total 10,000 equity shares (50% shareholding) in the Company.	Applicant confirms his 50% shareholding and states that he is a person aggrieved and competent to maintain the present Company Petition.
5.	<b>Assets &amp; Properties Post Strike-off</b>	ROC sought a declaration as to whether any assets or properties were acquired or disposed of after the date of strike-off.	Applicant states on oath that no asset or property of the Company has been transferred, alienated or disposed of after the striking off of the Company's name from the Register of Companies.
6.	<b>Management / Title Dispute</b>	ROC sought confirmation that no management or title dispute is pending before any Court, Tribunal or judicial forum.	Applicant confirms that to the best of his knowledge, no management or title dispute among shareholders or directors of the Company is pending before any Court, Tribunal or other judicial forum.

<b>S.No.</b>	<b>Particulars</b>	<b>ROC Report (dated 03.06.2026)</b>	<b>Reply of Applicant (dated 08.06.2026)</b>
7.	<b>Income Tax Compliance</b>	The ROC report did not specifically address the Income Tax status of the Company.	Applicant filed Annexure-1: communication from the Dy. Commissioner of Income Tax, Circle-1(1), Indore dated 04.06.2026 confirming: (a) no search/seizure in past 10 years; (b) no penalty for concealment; (c) no outstanding tax dues; (d) returns filed except AY 2012-13 to 2013-14 and AY 2022-23 to 2025-26.
8.	<b>Conditions / Reliefs Sought by ROC</b>	ROC prayed: (i) Decide on merit subject to filing of all pending e-forms; (ii) Applicant to publish NCLT order in one Hindi and one English newspaper; (iii) Deposit of Official Gazette publication charges; (iv) Declaration on assets/properties post strike-off; (v) Affidavit confirming all pending filings to be completed within 60 days with applicable fine/penalty/additional fees.	Applicant undertakes to comply with all directions of this Tribunal and to file all pending statutory documents with applicable fees upon restoration. Applicant further undertakes to abide by all conditions imposed by this Tribunal.

**REPORT AND SUBMISSIONS ON BEHALF OF THE INCOME TAX DEPARTMENT**

This Tribunal takes note that a Service Affidavit was filed by the Applicant on 08.06.2026, evidencing that due service of the

petition/notice was effected upon the Income Tax Department/Commissioner of Income Tax, Indore.

The applicant has submitted a letter dated 04.06.2026 received from the Deputy Commissioner of Income Tax, substantiating that the applicant company has not been subjected to any search, seizure, or survey during the preceding financial year; no penalty for concealment of particulars of income or for furnishing inaccurate particulars of income has been levied against the subject assessee during the past ten financial years; and no tax demand is presently outstanding against the assessee. The Details provided by the Income Tax Department is given below:

S No.	Particulars	Remarks
A	Whether the assessee is subjected to any search and seizure/survey in the past 10 financial years	No (Annexure-A)
B	Whether any penalty for concealment of particulars of income or for having furnished inaccurate particulars of such income was levied in the case of the subject assessee in the past 10 financial years	No (Annexure-B)
C	Whether any tax dues are outstanding from the assessee	No (Annexure-C)
d	whether the assessee has filed his returns of Income up to date	No (AY 2012-13 to 2013-14 and AY 2022-23 to AY 2025-26)

**Analysis & Observation:**

We have carefully considered the submissions made by the Learned Counsel for the Applicant, the Report/Reply filed by the Respondent/Registrar of Companies, Gwalior, the communication

submitted by the Income Tax Department, Indore, and all other material available on record.

At the outset, it is noted that the present petition has been filed under Section 252(3) of the Companies Act, 2013, seeking restoration of the name of M/s. Alpine Nirman Private Limited (CIN: U45200MP2007PTC019337) to the Register of Companies maintained by the Registrar of Companies, Madhya Pradesh, Gwalior. The Company was duly incorporated on 09.03.2007 as a Private Limited Company.

### **Question of Limitation**

The first and threshold question before this Tribunal is whether the present petition is filed within the period of limitation prescribed under Section 252 of the Companies Act, 2013. Section 252(3) of the Companies Act, 2013 prescribes a period of twenty years from the date of publication in the Official Gazette of the notice under sub-section (5) of Section 248.

It is noted from the record that the name of M/s. Alpine Nirman Private Limited was struck off from the Register of Companies on 29.06.2017, and the same was published in the Official Gazette of India on 09.06.2017 at Sl. No. 215. The present petition has been filed in the year 2026, i.e., within a period of approximately nine (9) years from the date of publication. The prescribed limitation period under Section 252(3) is twenty (20) years. The Respondent/ROC has also expressly confirmed in its report that the petition has been filed within the prescribed limitation period.


This Tribunal, therefore, holds that the present petition is filed well within the period of limitation and is maintainable on this count.

### **Locus Standi of the Applicant**

Section 252(3) of the Companies Act, 2013 confers the right to file an application for restoration upon the company itself, or any member, creditor or workman thereof. The Applicant, Shri Madhur Dawani, has filed the present petition as a shareholder of M/s. Alpine Nirman Private Limited, holding 5,000 equity shares out of total 10,000 equity shares, constituting 50% of the paid-up share capital. The Respondent/ROC has confirmed this shareholding. The Applicant has thus established his status as a 'member' within the meaning of Section 2(55) of the Companies Act, 2013 and has the requisite locus standi to file and maintain the present petition.

### **Financial Position of the Company — Assets and Liabilities**

The Petitioner has placed on record a summary of the financial position of Alpine Nirman Private Limited as on 31<sup>st</sup> March 2024. This Tribunal has carefully perused the said financials. The financial position of the Company, as submitted by the Applicant, is extracted hereunder:

<b>ALPINE NIRMAN PRIVATE LIMITED</b>			
<b>CIN-U45200MP2007PTC019337</b>			
308, Palasia Tower, 1/2, New Palasia, Indore, MadhyaPradesh, India, 452001			
			(Rs. In Hundred)
<b>BALANCE SHEET AS AT 31st MARCH, 2024</b>			
	NOTE NO.	Current Year 31.03.2024	Previous Year 31.03.2023
<b>I. EQUITY AND LIABILITIES:</b>			
<b>1. SHAREHOLDER'S FUNDS</b>			
	B1	1,000.00	1,000.00
(a) Share Capital	B2	2,002.09	2,035.46
(b) Reserves & Surplus			
<b>2. NON-CURRENT LIABILITIES</b>			
(a) Long Term Borrowings	B3	62,299.73	62,299.73
(b) Long Term Provision	B4	0.00	0.00
<b>3. CURRENT LIABILITIES</b>			
(a) Short-Term Provision	B5	20,380.00	20,200.00
(b) Other Current Liability	B6	0.00	0.00
<b>TOTAL</b>		<b>85,681.82</b>	<b>85,535.21</b>
<b>II. ASSETS:</b>			
<b>1. NON CURRENT ASSETS</b>			
(a) Tangible Assets	B7	577.93	779.82
(b) Non current Investments	B8	0.00	0.00
(c) Long-Term Loan & Advances	B9	10,000.00	10,000.00
<b>2. CURRENT ASSETS</b>			
(a) Cash and cash equivalents	B10	9,191.10	8,842.60
(b) Inventories	B11	65,912.79	65,912.79
(c) Trade Receivables	B12	0.00	0.00
<b>TOTAL</b>		<b>85,681.82</b>	<b>85,535.21</b>
Significant Accounting Policies & Notes Forming Part Of The Account		A1 to B18	
For ALPINE NIRMAN PRIVATE LIMITED CIN-U45200MP2007PTC019337		As Per Audit Report Of Even Date GOURESH AGRAWAL & CO (Chartered Accountants) Reg. No. : 015B14C	
For Alpine Nirman Private Limited		For Alpine Nirman Private Limited	
Director		Director	
Place : Indore	Mahendra Dawani (Director) DIN-01382878	Madhur Dawani (Director) DIN-02014277	CA-Gouresh Agrawal Proprietor M.No. 412419 UDIN : 26412419RTUNAZ374B
Date : 16.04.2026			

<b>ALPINE NIRMAN PRIVATE LIMITED</b>			
<b>CIN-U45200MP2007PTC019337</b>			
<b>308, Palasia Tower, 1/2, New Palasia, Indore, MadhyaPradesh, India, 452001</b>			
			(Rt. In Hundred)
<b>PROFIT &amp; LOSS ACCOUNT FOR THE YEAR ENDED 31st MARCH, 2024</b>			
	NOTE NO.	Current Year 31.03.2024	Previous Year 31.03.2023
<b>I. Revenue from operation</b>	B13	0.00	0.00
<b>II. Other Income</b>	B14	900.00	900.00
<b>III. Total Revenue</b>		<u>900.00</u>	<u>900.00</u>
<b>IV. Expenditure</b>		0.00	0.00
Purchase	B15	0.00	0.00
Changes In Inventories	B16	0.00	0.00
Employees Remuneration	B17	0.00	0.00
Finance Charges	B18	731.50	724.75
Other Expenses	B7	201.90	272.43
Depredation			
<b>V. Total Expenses</b>		<u>933.40</u>	<u>997.18</u>
<b>VI. NET PROFIT/ (LOSS) BEFORE TAX</b>		-33.40	-97.18
<b>VII. Tax expenses:</b>		0.00	0.00
(1) Current Tax		0.00	0.00
(2) Dividend Tax Paid		0.00	0.00
(3) Earlier Year Income Tax			
<b>VIII. NET PROFIT/ (LOSS) AFTER TAX</b>		<u>-33.40</u>	<u>-97.18</u>
<b>IX. BALANCE TRANSFERRED TO BALANCE SHEET</b>		<u>-33.40</u>	<u>-97.18</u>
<b>X. Earnings per equity share:</b>			
(1) Basic		-0.33	-0.97
(2) Diluted		-0.33	-0.97
Significant Accounting Policies & Notes Forming Part Of The Account		A1 to B18	
For ALPINE NIRMAN PRIVATE LIMITED CIN-U45200MP2007PTC019337			
For Alpine Nirman Private Limited			
For Alpine Nirman Private Limited			
Place : Indore	Mahendra Dawari (Director) DIN-01382878	Director Ajay Dawani (Director) DIN-02014277	Director M.No. 412419 UDIN :26412419RTUNAZ3748
Date : 16.04.2026			As Per Audit Report Of Even Date Gouresh Agrawal & Co (Chartered Accountants) Reg. No. 015814C M.No. 412419 INDORE Chartered Accountants

# ALPINE NIRMAN PRIVATE LIMITED

CIN-U45200MP2007PTC019337

308, Palasia Tower, 1/2, New Palasia, Indore, MadhyaPradesh, India, 452001

(Rs. In Hundred)

## NOTES FORMING PART OF THE BALANCE SHEET AS AT 31st MARCH, 2024

	Current Year 31.03.2024	Previous Year 31.03.2023
<b>RI. SHARE CAPITAL</b>		
20000 Equity Shares of Rs.10/- each. (Previous Year 20000 Equity Shares of Rs.10/- each.)	2,000.00	2,000.00
	<u>2,000.00</u>	<u>2,000.00</u>
<b>ISSUED, SUBSCRIBED, PAID UP CAPITAL :</b>		
10000 Equity Shares of Rs.10/- each. (Previous Year 10000 Equity Shares of Rs.10/- each.)	1,000.00	1,000.00
	<u>1,000.00</u>	<u>1,000.00</u>

<b>Particular</b>	<b>Equity Shares</b>			
	As at 31 March 2024		As at 31 March 2023	
	Number	Rupees	Number	Rupees
Opening Shares Outstanding	100	1,000.00	100	1,000.00
Shares Issued during the year	0	0.00	0	0.00
Share bought back during the year	0	0.00	0	0.00
Shares outstanding at the end of the year	100	1,000.00	100	1,000.00

<b>Name of shareholder</b>	As at 31 March 2024		As at 31 March 2023	
	No. Of Shares held	% of Holding	No. Of Shares held	% of Holding
Mr. Mahendra Dawani	5000	50.00%	5000	50.00%
Mr. Madhur Dawani	5000	50.00%	5000	50.00%

As per records of the Company, including its register of shareholders/members and other declarations received from shareholders regarding beneficial interest, the above shareholding represents both legal and beneficial ownership of shares.



<b>ALPINE NIRMAN PRIVATE LIMITED</b>			
<i>CTN-U45200MP2007PTC019337</i>			
<i>308, Palasia Tower, 1/2, New Palasia, Indore, MadhyaPradesh, India, 452001</i>			
			(Rs. In Hundred)
<b>NOTES FORMING PART OF THE BALANCE SHEET AS AT 31st MARCH, 2024</b>			
<b>B2 RESERVES AND SURPLUS</b>			
Break up of Reserves and movements thereon			
A. Share Premium	Total A	0.00	0.00
		<u>0.00</u>	<u>0.00</u>
B. Surplus/ (Loss)		2,035.48	2,132.66
Opening Balance		-33.40	-97.18
Add: Net Profit/(Loss) for the year			
Closing Balance	Total B	<u>2,002.09</u>	<u>2,035.48</u>
	Total (A+B)	<u>2,002.09</u>	<u>2,035.48</u>
C. Dividend Paid		0.00	0.00
	Total (A+B)-C	<u>2,002.09</u>	<u>2,035.48</u>
<b>B3 LONG TERM BORROWINGS</b>			
Long Term Borrowings		0.00	0.00
		<u>0.00</u>	<u>0.00</u>
<b>B4 LONG TERM PROVISIONS</b>			
Long Term Provision		62,299.73	62,299.73
		<u>62,299.73</u>	<u>62,299.73</u>
<b>B5 SHORT-TERM PROVISION</b>			
Audit & Legal Fees Payable		1,980.00	1,800.00
Salary Payable		18,400.00	18,400.00
	Total	<u>20,380.00</u>	<u>20,200.00</u>
<b>B6 OTHER CURRENT LIABILITIES</b>			
Creditors	Total	0.00	0.00
		<u>0.00</u>	<u>0.00</u>
<b>B8 NON-CURRENT INVESTMENT</b>			
Investment In Shares Share Listed Company	Total	0.00	0.00
		<u>0.00</u>	<u>0.00</u>
<b>B9 LONG-TERM LOANS &amp; ADVANCES</b>			
Unsecured Related Parties Loans and Advances	Total	0.00	0.00
		<u>10,000.00</u>	<u>10,000.00</u>
		<u>10,000.00</u>	<u>10,000.00</u>
<b>B10 CASH AND CASH EQUIVALENTS</b>			
(a) Balance with Bank:			
Citi Bank Ltd		0.00	0.00
Kotak Mahindra Bank		5,802.44	5,802.44
(b) Cash in hand		3,388.66	3,040.16
	Total	<u>9,191.10</u>	<u>8,842.60</u>
<b>B11 INVENTORIES</b>			
Work In Progress	Total	65,912.79	65,912.79
		<u>65,912.79</u>	<u>65,912.79</u>
<b>B12 TRADE RECEIVABLES</b>			
Trade Receivables	Total	0.00	0.00
		<u>0.00</u>	<u>0.00</u>

A plain reading of the above financials reveals that the Company is not a shell entity devoid of any assets or financial activity. The Company possesses Non-Current Assets of Rs. 10,57,793/- and Current Assets of Rs. 75,10,389/-. The Company also carries Long Term Loans/Advances of Rs. 62,29,973/- and Current liabilities of Rs. 20,38,000/-, which is indicative of the fact that third-party

obligations remain outstanding and the Company cannot be treated as one that has ceased to exist for all practical purposes.

The presence of assets and subsisting liabilities on the books of the Company is a material and significant factor in determining whether restoration of the Company's name is warranted.

### **Position of the Respondent / ROC**

The Respondent/ROC, Madhya Pradesh, Gwalior, has filed its report on 03.06.2026 through Shri Manish Raj, Assistant Registrar of Companies. Crucially, the Respondent/ROC has not raised any objection to the restoration of the Company on merits. The Respondent has confirmed the factual position regarding limitation, shareholding and the striking-off process, and has only sought certain consequential directions relating to filing of pending documents, publication of the order and deposit of Gazette notification charges — which are standard and routine conditions uniformly imposed by this Tribunal in all matters of restoration under Section 252 of the Companies Act, 2013.

### **Position of the Income Tax Department — Non-Appearance Despite Service**

The Income Tax Department was duly served with notice in the present proceedings, as evidenced by the Service Affidavit filed on 08.06.2026.

The applicant has submitted a letter dated 04.06.2026 received from the Deputy Commissioner of Income Tax, substantiating that

the applicant company has not been subjected to any search, seizure, or survey during the preceding financial year; no penalty for concealment of particulars of income or for furnishing inaccurate particulars of income has been levied against the subject assessee during the past ten financial years; and no tax demand is presently outstanding against the assessee.

### **Undertaking Regarding Assets and Properties of the Company**

The Applicant has stated on oath that the Company continues to have assets and liabilities as reflected in its books of accounts, and that no asset or property of the Company has been transferred, alienated or disposed of after the striking off. This Tribunal is mindful of the provisions of Section 250 of the Companies Act, 2013, and accordingly directs that a formal declaration/affidavit to this effect be filed before the Registrar of Companies upon restoration.

Having regard to the totality of the facts and circumstances, the pleadings and submissions of all parties, the report of the ROC, the Income Tax Department's communication, the applicable legal provisions and principles, this Tribunal is satisfied that: (a) the petition is within limitation; (b) the Applicant has the requisite locus standi; (c) the ROC has not objected to restoration on merits; (d) the Income Tax Department has raised no objection, having been duly served; and (e) it is just and equitable that the name of M/s. Alpine Nirman Private Limited be restored to the Register of Companies.

**ORDER**

- i. The Registrar of Companies, Gwalior the respondent herein, is ordered to restore the original status of the Company 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 the Company from 'struck off to Active.
- ii. The Applicant is directed to file all pending statutory document(s) including Annual Accounts and Annual returns for the financial years in default along with prescribed fees/additional fee/fine as prescribed under the Companies Act, 2013 within 60 days from the date on which its name is restored on the Register of Companies by the ROC, Gwalior.
- iii. The restoration of the Company's name is subject to the payment of cost of Rs. 1,00,000/- (Rupees One Lakh Only) to be paid to Consolidated Fund of India through Bharatkosh and submission of proof of such payment to ROC within 30 days of this order. The name of the company shall then, as a consequence, stand restored to the Register of the Registrar of Companies, as if the name of the company has not been struck off in accordance with Section 248(1) of the Companies Act, 2013.
- iv. The Applicant company is directed to publish a notice containing substantial details of this order in at least one widely circulated vernacular and English Newspaper within 30 days of this order, at the Company's expense, and file proof of publication with the RoC within 30 days.
- v. 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, Gwalior.

- vi. The Applicant to submit a certified copy of this order to ROC within thirty days of the receipt of this order.
- vii. On such delivery and after duly complying with the above directions, the Registrar of Companies, Gwalior is directed to, on his office name and seal, publish the order in the official Gazette.
- viii. This order is confined to the violations, which ultimately leads 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 Applicant Company prior or during the striking off of the company.

21. Accordingly, the Company Petition No. 16 of 2026 stands allowed and disposed of.

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

Sd/-

**MAN MOHAN GUPTA**  
**(MEMBER TECHNICAL)**

*Vanshika-LRA*

Sd/-

**BRAJENDRA MANI TRIPATHI**  
**(MEMBER JUDICIAL)**