

IN THE NATIONAL COMPANY LAW TRIBUNAL, BENGALURU BENCH

[Through Physical hearing/VC Mode (Hybrid)]

ITEM No.03
CP. No. 111/BB/2025

IN THE MATTER OF:

Shaktinivas Builders Pvt Ltd ... Petitioner

Vs.

ROC Karnataka ... Respondent

Petition under Section 252 of CA, 2013

Order delivered on: 09.06.2026

CORAM:

SHRI. SUNIL KUMAR AGGARWAL
HON'BLE MEMBER (JUDICIAL)

SHRI. RADHAKRISHNA SREEPADA
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Petitioner : Shri Thirupal Gorige, PCS

ORDER

The C.P is allowed vide separate order.

File be consigned to record room.

-Sd-
RADHAKRISHNA SREEPADA
MEMBER (TECHNICAL)

-Sd-
SUNIL KUMAR AGGARWAL
MEMBER (JUDICIAL)

IN THE NATIONAL COMPANY LAW TRIBUNAL, BENGALURU BENCH
[Through Physical hearing/VC Mode (Hybrid)]

C.P No.111/BB/2025
U/s.252 of the Companies Act, 2013
Read with Rule 87A of NCLT Rules, 2016

In the matter of:

Shri Ramnath Santu Angolkar,
Shareholder and promoter of
SHAKTINIVAS BUILDERS PRIVATE LIMITED
394, Shukarwar Peth, Tilakwadi,
Vishrambag, Belagavi – 590006 ...Petitioner

Versus

The Registrar of Companies, Karnataka
'E' Wing, 2nd Floor,
Kendriya Sadan,
Koramangala,
Bengaluru - 560 034. ...Respondent

Order delivered on: 09.06.2026

Coram:

Shri Sunil Kumar Aggarwal, Hon'ble Member (Judicial)
Shri Radhakrishna Sreepada, Hon'ble Member (Technical)

COUNSELS

For the Petitioner: Shri Thirupal Gorige, PCS

O R D E R

1. This Petition has been filed by **Shri Ramnath Santu Angolkar**, Promoter and Shareholder of **SHAKTINIVAS BUILDERS PRIVATE LIMITED** (hereinafter referred to as the "Company"), under Section 252(3) of the Companies Act, 2013, seeking restoration of the name of the Company in the Register of Companies maintained by the Respondent.
2. Brief facts of the case relevant for the issue in question, are following:

- a. The Company - Shaktinivas Builders Private Limited having CIN: U45203KA1991PTC012365 was incorporated under the provisions of the Companies Act. It was struck off by the Registrar of Companies, Karnataka under Section 248(5) of the Companies Act, 2013 and notified vide Form STK-7 dated 17.07.2017.
- b. The Petitioner submits that he became aware of the striking off of the Company only in the year 2023 during the pendency of **Execution Petition No.39/2011** before the Principal Senior Civil Judge & Chief Judicial Magistrate, Belagavi. Upon verification through a Practising Company Secretary, it was ascertained that the name of the Company had actually been removed.
- c. It is stated that the non-filing of statutory returns was not wilful and occurred on account of circumstances faced by the Petitioner, including prolonged income tax proceedings and personal difficulties. The Petitioner further submits that no notice proposing strike off of the Company was received by the Company.
- d. The Company is a closely held family concern and continues to possess valuable assets including development rights in immovable properties. It is also involved in various legal proceedings before Civil Courts at Belagavi and the Hon'ble High Court of Karnataka, Dharwad Bench.
- e. The Company was carrying on business activities and for the financial year ended 31.03.2024 reported Gross Turnover of Rs. 6,56,890/- and loss of Rs. 49,026/-. It has assets and liabilities reflected in its financial statements and maintained books of account for the relevant years.
- f. The Company holds favourable court decrees and is pursuing Execution Petition No.39/2011 before the competent Civil Court. As such, restoration of the Company's name is necessary for enforcement of such decrees, continuation of pending litigation and protection of the investments and assets of the Company.

- g. The copies of financial statements for the period from FY 2009-10 onwards are available and the Company had filed income tax returns up to Assessment Year 2013-14. The Petitioner has undertaken to file all overdue financial statements, annual returns and other statutory filings within 30 days from the date of restoration of the Company's name.
- h. It has been declared that the matter relating to this petition is not pending before any other Tribunal or Authority.

3. **REPORT OF THE ROC:**

On being notified, the Registrar of Companies has filed reply vide dy. No. 1970 dated 21.04.2026 stating following:

- A. The Petitioner Company was incorporated on 30.09.1991 and struck off with effect from 17.07.2017. It had failed to file its Financial Statements and Annual Returns from the financial year 2009-10 onwards. Therefore, the Respondent had reasonable cause to believe that the Company was not carrying on any business or operations and accordingly initiated action under Section 248(1)(c) of the Companies Act, 2013 by issuing notices in Form STK-1 and thereafter Form STK-5. Since neither the Company nor its Directors responded to the notices and no statutory filings were made, the name of the Company was struck off and notice in Form STK-7 was published in the Official Gazette on 29.07.2017.
- B. The procedure prescribed under Section 248 of the Companies Act, 2013 was duly complied with before striking off the name of the Company. The Petitioner's claim regarding the Company possessing assets, development rights in immovable properties and involvement in various legal proceedings may be established by the Petitioner by producing supporting documents. In the event the Petition is allowed, the Company may be directed to hold the pending Annual General Meetings, file all overdue Financial Statements and Annual Returns along with the applicable fees and additional fees, and comply with all

the provisions of the Companies Act, 2013 within the time stipulated by this Tribunal.

4. Heard **Shri Thirupal Gorige** Ld. PCS for the Petitioner Company. We have carefully perused the pleadings of the party and extant provisions of the Act, and the Rules made thereunder.
5. Since the Company claims to possess assets, is involved in multiple legal proceedings and also has undertaken to complete all pending statutory compliances upon restoration, we are inclined to allow the instant petition.
6. In view thereof, **the Company Petition is allowed and Shaktinivas Builders Private Limited is restored on the records of Respondent/RoC** subject to
 - a. The Company and its Directors hold the pending Annual General Meetings,
 - b. File all overdue Financial Statements and Annual Returns within a period of one month and
 - c. Pay costs of **Rs. 1,00,000/-** (Rupees One Lakh Only) to be deposited with "Pay and Accounts Officer, A/c Ministry of Corporate Affairs, Govt. of India within three weeks and submitting receipt.
7. The ROC shall give effect to this order only after verifying the payment of cost. Copy of this Order be communicated to the Petitioner and to the Registrar of Companies, Karnataka.

-Sd-
(RADHAKRISHNA SREEPADA)
MEMBER (TECHNICAL)

-Sd-
(SUNIL KUMAR AGGARWAL)
MEMBER (JUDICIAL)