

NATIONAL COMPANY LAW TRIBUNAL

NEW DELHI BENCH (COURT-II)

Company Appeal No. 70/252/ND/2025

IN THE MATTER OF:

1. Padma Fabricators Private Limited

Registered office at:
E-55, 1st Floor,
Panchsheel Park, Malviya Nagar,
New Delhi-110017

2. Navneet Kumar Mittal

Registered office at:
E-55, 1st Floor,
Panchsheel Park, Malviya Nagar,
New Delhi-110017

3. Ruchira Mittal

Registered office at:
E-55, 1st Floor,
Panchsheel Park, Malviya Nagar,
New Delhi-110017

4. Yajur Mittal

Registered office at:
E-55, 1st Floor,
Panchsheel Park, Malviya Nagar,
New Delhi-110017

... Appellants

Versus

Registrar of Companies NCT of Delhi & Anr.

Registered office at:
4th Floor, IFCI Tower, 61,
Nehru Place, New Delhi-110019

... Respondent

Under Section: 252 of Companies Act, 2013

Order delivered on: 22.05.2026

CORAM:

SH. ASHOK KUMAR BHARDWAJ, HON'BLE MEMBER (J)

MS. REENA SINHA PURI, HON'BLE MEMBER (T)

PRESENT:

For the Appellant : Adv. Sanket Gupta

For the IT Dept. : Adv. Shlok Chandra SSC alongwith Madhavi
Shukla and Naincy Jain JSC

ORDER

PER: MS. REENA SINHA PURI, MEMBER (T)

The present appeal has been filed by Padma Fabricators Private Limited and its Directors (Appellants) under Section 252(1) of the Companies Act, 2013 against the Registrar of Companies, NCT of Delhi and Haryana (Respondent No. 1/ RoC) and the Income Tax Department (Respondent No. 2).

2. The Appeal seeks restoration of the name of the Appellant Company in the Register of Companies, which was struck off by the Registrar of Companies, NCT of Delhi and Haryana vide Public Notice ROC/DEL/248/STK-7/2341 dated 20.04.2022. The prayer of the Appellant Company is as follows:

A. That this Hon'ble Tribunal may be pleased to set-aside the Order dated 20.04.2022 (in so far as the same concerns the Appellant No. 1) passed by the Respondent's striking off the name of the Appellant No. 1 Company and direct the Respondent's to restore the name of the Appellant No. 1 Company to its Register.

B. That this Hon'ble Tribunal may be pleased to further direct for placing the Appellant No. 1 Company and other Appellants in the

same position as if the name of the Appellant No. 1 Company had not been struck off at all.

C. Any other order or orders, relief or relief(s) as this Hon'ble Tribunal may deem fit and proper under the circumstances of the whole case may also kindly be granted.

3. The Appellant Company is a private limited company, incorporated on 27.07.1988 under the Companies Act, 1956, bearing CIN No. U29199DL1988PTC032581. It has an authorised and paid-up share capital of Rs 10,00,000. Its registered office is situated at E-55, 1st Floor, Panchsheel Park, Malviya Nagar, New Delhi – 110017, which falls within the territorial jurisdiction of this Tribunal.

4. The main objects of the Company, as set out in its Memorandum of Association¹, include manufacturing, fabrication, trading, import/export of industrial and engineering machinery, consultancy services, execution of turnkey projects, and development of engineering product.

5. It is the case of the Appellants that the Company remained operational till the year 2006. Thereafter, its activities were severely impacted due to the serious medical condition of the Managing Director, who underwent prolonged treatment and continued to face health complications, including during and after the COVID-19 period.

6. The Company is stated to be the owner of immovable property² admeasuring 942 sq. metres, situated at 22/11 SSGT Road, UPSIDC

¹ Page 40-66 of Company Appeal

² Page 80-95 of Company Appeal

Industrial Area, Ghaziabad, acquired under a lease deed dated 29.03.2008, registered on 31.03.2008. The Company also holds a fixed deposit of approximately ₹11,00,000/- with the Union Bank of India.

7. It is further submitted that, with a view to revive its business, the Company has secured an Expression of Interest³ dated 15.01.2025 from M/s Shashi Ranjan Enterprises Pvt. Ltd., a wholesale dealer in furniture and allied products, proposing a business alliance for warehouse operations and inventory management on its land, subject to statutory approvals.

8. The last statutory filings made by the Company pertain to the financial year 2016–17. The Appellants submit that subsequent filings were not made due to inadvertent oversight. However, the financial statements for the period 2017–18 to 2023–24 have now been placed on record along with the present Appeal.

9. Though notice was served on the Income Tax Department, no report is on record. However, the RoC, in its report dated 04.06.2025, has opposed the restoration, inter alia, on the ground that the Company was not operational at the time of strike-off, based on its financial statements. It is also pointed out that bank statements and income tax returns are not on record. An objection on limitation has also been raised, with reference to prior notices issued under Section 248.

³ Page 96 of Company Appeal

10. In rejoinder, the Appellants contend that the present Appeal, filed on 16.04.2025, is within the prescribed limitation period of three years, computed from the date of the strike-off order dated 20.04.2022. It is further submitted that the earlier notices relied upon by the RoC were not duly served and are unsupported by proof of delivery.

11. Upon consideration of the material on record, it is observed that the Appellant Company owns a valuable immovable property. The existence of such asset constitutes a relevant and sufficient ground for seeking restoration. In *Felpact (P.) Ltd. v. Registrar of Companies*⁴, it has been held that where a company owns substantial immovable property, restoration may be warranted to prevent misuse, encroachment, or dissipation of such assets. The ratio supports restoration in appropriate cases.

12. On the aspect of non-filing of statutory returns, the judgment in *Mace Platronics Pvt. Ltd. v. ROC*⁵ clarifies that even where default is established, the Tribunal retains the power to restore the company, particularly where the company is otherwise a running concern and the application is within limitation.

13. In the present case, the strike-off notice was issued on 20.04.2022, and the Appeal has been filed on 16.04.2025. The Appeal is, therefore, within the limitation prescribed under Section 252(1).

⁴ (2017) 4 Gau LR 433

⁵ (2010) 104 SCL 277 (Del)

14. The company is holding valuable assets having appreciating value. Considering the facts and circumstances, we order restoration of the Company's name in the Register maintained by the Registrar of Companies. Accordingly, **this Appeal is allowed**, subject to conditions.

15. The restoration of the company's name to the Register of Companies maintained by the ROC, is hereby ordered, subject to the following directions, namely:

- a. The restoration of the company's name i.e. Padma Fabricators Private Limited is subject to the payment of cost of ₹ 8,00,000 (Rupees eight Lakhs Only) to be paid to the Prime Minister's Relief Fund.
- b. The Registrar of Companies, NCT of Delhi & Haryana (Respondent) is directed to restore the status of the Appellant Company, with resultant and consequential actions like changing the status of the company from "struck off" to "Active".
- c. The Appellant Company is directed to file all pending statutory documents including Annual Accounts and Annual Returns in default along with the prescribed fee/additional fee/fine as prescribed under the Companies Act, 2013 within 45 days from the date on which its name is restored on the Register of Companies by the ROC, NCT of Delhi and Haryana. Consequently, thereupon the bank account/s, if subject to freeze, shall get defreezed to be operated by the company.
- d. The Appellant Company is directed to submit a certified copy of this order to ROC, NCT of Delhi and Haryana within thirty days (30) of the receipt of this order.
- e. The Appellant Company is further directed to comply with the provisions of the Income Tax Act and the CGST Act, 2017, and to duly discharge all pending statutory dues, if any, including those

pertaining to the period during which its name remained struck off.

- f. This order is confined to the violations, which ultimately leads to the impugned action of striking of the name of the Appellant Company, and it will not come in the way of Respondent taking appropriate action(s) in accordance with law, for any other violations/offences, if any, committed by the Appellant company prior or during the striking off of its name from the Register of Companies.

16. Resultantly, the present appeal i.e. Company Appeal No. 70/252/ND/2025, stands allowed with aforesaid terms.

17. Let the copy of this order be served to the parties.

Sd/-
(REENA SINHA PURI)
MEMBER (T)

Sd/-
(ASHOK KUMAR BHARDWAJ)
MEMBER (J)