

**IN THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH
COURT-IV**

APPEAL/36(MB)/2025

*In the matter of Section 252(3) of the
Companies Act, 2013.*

Rajendra Krishnarao Dandekar

... Applicant

Versus

Registrar of Companies, Mumbai

... Respondent No. 1

Pronounced: 17.06.2026

CORAM:

**SHRI ANIL RAJ CHELLAN
HON'BLE MEMBER (TECHNICAL)**

**SHRI K.R. SAJI KUMAR
HON'BLE MEMBER (JUDICIAL)**

Appearances: Hybrid

For Applicant : Adv. Prashant Thakre.

For RoC/Respondent : None present.

ORDER

1. The present Company Appeal (Application) has been filed under Section 252(3) of the Companies Act, 2013 (Act) by Mr. Rajendra Krishnarao Dandekar, who is a Shareholder of the company, namely, Meeraj Infrastructure Private Limited (Company) [CIN No. U70102MH2009PTC189920] praying for the restoration of the name of

the Company in the Register maintained by the Registrar of Companies, Mumbai (RoC).

Brief Facts

2. The Company was incorporated under the Companies Act, 1956 on 28.01.2009 with RoC Mumbai, and having its registered office situated at 06, Cosmopolitan Society, Wardha Road Somalwada, Nagpur, 440025, Maharashtra, and the authorised share capital of the Company is Rs.5,00,000/- (Five Lakh Rupees).
3. The Respondent No. 1, the Registrar of Companies (RoC), struck off the name of the Company from the Register of Companies by issuing notice in Form STK-5 dated 19.07.2018 and Form STK-7 dated 12.09.2018 under Section 248(1) read with Section 248(4) of the Act, and Rule 3 of the Companies (Removal of Names of Companies from the Register of Companies) Rules, 2016. The Respondent struck off the name of the Company on the ground that the Company had defaulted in statutory compliances by failing to file its statutory returns for a continuous period of more than two years, and had not applied for obtaining the status of a dormant company under Section 455 of the Act, during such period.

Submissions by Applicant

4. The Applicant Company is engaged in the business of infrastructure and real estate development and has substantial inventories as per the audited financials of the Company.
5. The Applicant further submits that the Company has prepared and finalised audited financials of the Company for the Financial Year 2014-2015 up to 2019-2020 and has also filed its Income Tax Returns for the Assessment Years 2019-2020 and 2020-2021, copies of which are attached to the Company Application.

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6. Ld. Counsel for the Applicant submits that the Applicant undertakes to ensure that no such lapse in compliance shall occur in relation to the Company, and that the management shall take due care of compliance as may be required under all applicable Acts and laws.
 7. The Applicant further declares that the matter regarding the Company Appeal is not pending before any Tribunal or Court of Law or any other authority for the same cause.
 8. In the circumstances, the Applicant submits that in the event of the restoration of the name of the Company in the register of Companies, the Company would comply with all pending statutory obligations for ensuring proper conduct of the Company and file all statutory returns. The Applicant, therefore, prays for the restoration of the Company's name in the interest of justice and to avoid any further prejudice and losses to the Company.
 9. It is submitted by the Applicant that, upon restoration of the name of the Company, the Company and its director will complete the filing of all pending statutory documents and returns up to date with the Registrar of Companies, Mumbai. It is further submitted that, if the name of the Company is restored in the Register of Companies, no loss or prejudice shall be caused to any person. However, if the name is not restored, it would result in irreparable loss and hardship for the Company and its stakeholders.

Submissions by Respondent

10. The Respondent filed its affidavit in reply through the authorised person on 02.07.2025.
11. It is stated that the Company has defaulted in filing its statutory returns for a continuous period of five years; hence, the aforesaid Company has

been considered for striking off by the Registrar of Companies in a *suo motu* action under the provisions of section 248 of the Act, and also in pursuance of the Circular issued by the Ministry of Corporate Affairs, Government of India.

12. It is submitted that the STK-1 notice was issued to the Company and its directors informing the intention of the Registrar to strike off the name of the Company. Thereafter, a public notice *vide* STK-5 dated 19.07.2018, was published on the website maintained by the Ministry.
13. In the absence of any representation against the proposed strike off action, the Respondent struck off the name of the Company on 12.09.2018, and the dissolution order was published on the website of the Ministry *vide* STK-7 on 12.09.2018.
14. The Respondent, therefore, submits that the Respondent has followed due process before striking off the name of the Company from the Register of Companies.

Analysis and Finding

15. Upon hearing the submissions made on behalf of the Applicant and examining the reply of the Respondent / RoC along with the other documents available on record, it is observed that the name of the Company was struck off on 12.09.2018. The Company had not made any representation against the proposed strike-off notice i.e. STK-1.
16. It is observed that the name of the Company was struck off for the only reason that the Company has failed to comply with the statutory compliances under the Act, by non-filing its statutory returns for a continuous period of more than four years. No other reason has been stated for the strike off. The Applicant has annexed copies of the financial statements prepared for the defaulted years and submits that the

Applicant is ready and willing to comply with the statutory requirements. The records produced by the Company show that the Company has inventories of Rs. 1,18,48,000/- and other current assets of Rs.5,89,490/- At the same time, the Company has a long-term borrowing of Rs.21,13,453/-.

17. On the basis of the reasons stated in the Application, we observe that it would be just, equitable, and in the interest of justice to grant the Company an opportunity to rectify the defaults and resume its business activities.
18. Considering the facts and circumstances presented, we are satisfied that the prayer sought by the Applicant deserves to be allowed. Accordingly, this Application filed by the Company under Section 252 of the Act, seeking restoration of the Company's name in the register of Companies maintained by the RoC, Mumbai, is allowed on the following terms:
 - a. The RoC, is directed to restore the original status of the Company (Crest Metal Industries Private Limited) as if the name of the Company had not been struck off from the Register of Companies with resultant and consequential action like changing the status of the Company from 'strike off' to 'active'.
 - b. The restoration of the Company's name is also subject to payment of the cost of Rs. 1,00,000/- (One Lakh Rupees) to be paid to the '*Bharatkhoosh*' account, Ministry of Corporate Affairs, Government of India, by the Company.
 - c. Upon such restoration, the Company shall file all its pending Financial Statements and Annual Returns with all the applicable fees and late fees with the RoC within thirty (30) days from the date of restoration of the Company's name in the Register being maintained by the RoC.

- d. This order of restoration of the name of the Company in the Register shall not automatically entitle the directors of the Company to hold directorship if disqualified under Section 164 of the Act, except in accordance with law.
- e. This order allowing the Application shall not circumscribe the power of the Respondent to proceed against the Company and its directors as mandated for alleged late filing of any returns, forms, documents, and such other compliances under the provisions of the Act.
19. Accordingly, this Appeal/36/2025 is **allowed** and **disposed of** in terms of the above directions.
20. The Registry is directed to send a copy of this order to all the parties concerned forthwith.

Sd/-

ANIL RAJ CHELLAN
MEMBER (TECHNICAL)

/S. Dubey/

Sd/-

K. R. SAJI KUMAR
MEMBER (JUDICIAL)