NATIONAL COMPANY LAW TRIBUNAL
CHANDIGARH BENCH (COURT-I), CHANDIGARH

Company Appeal No. 12/Chd/Hry/2023

[An Application under sub-section (1) of section 252 of the Companies Act, 2013]

<u>In the matter of:</u>

Mahanand Associates Private Limited
Through its Director and Shareholder Mr. Virender Singh
Address: H. No. 587/35, Janta Colony,
Rohtak, Haryana 124001
Email Id- virenderraj75@gmial.com
PAN No: AAOCM1059Q **...Applicant Company**

Versus

Registrar of Companies, (NCT of Delhi and Haryana), Delhi
IFCI Tower, 4th Floor,
61, Nehru Place,
New Delhi-110019,
Email Id: roc.delhi@mca.gov.in **...Respondent No.1**

Income Tax Department,
Principal Chief Commissioner of Income Tax. NWR,
Aaykar Bhavan, Sector 17, Chandigarh
Email Id: Chandigarh.dcit.hq.vig@incometax.gov.in **...Respondent No. 2**

Order pronounced on: 10.07.2026

CORAM: MR. KHETRABASI BISWAL, HON'BLE MEMBER (JUDICIAL)
MR. SHISHIR AGARWAL, HON'BLE MEMBER (TECHNICAL)

Appearance:

For the Applicant Company	:	Mr. Shivansh Malik, Advocate
For the Income Tax Dept.	:	Mr. Varun Issar, Sr. Standing Counsel
For the RoC, Haryana	:	Mr. Vijaya Simha Reddy, Deputy ROC

ORDER

The present Application has been filed by **Mahanand Associates Private Limited** (hereinafter referred to as the Applicant Company) through its Director Shri Pawan Kumar, under sub-section (1) of section 252 of the Companies Act, 2013 (hereinafter referred to as 'the Act') read with Rule 87A of the National Company Law Tribunal Rules, 2016 (hereinafter referred to as the 'Rules') praying for restoration of the name of the Applicant Company on the Register of Companies maintained by the Registrar of Companies, NCT of Delhi and Haryana (hereinafter referred to as 'RoC/ Respondent').

FACTS:

2. The Applicant Company, erstwhile having CIN: U70109HR2020PTC091447, was incorporated under the Companies Act, 2013 on 08.12.2020, and its Registered office situated at "H. NO. 587/35, Janta Colony, Rohtak, Haryana- 124001 . The Authorised Share Capital of Rs. 1,00,000 (Rupees One Lakh) divided into 10,000 Equity Shares of Rs.10/- each. Subscribed, Issued and Paid up share capital of the Company is Rs. 1,00,000 (Rupees One Lakh Only) divided into 10,000 Equity Shares of Rs.10/- each. The Company is engaged in the business of real estate development, construction, and infrastructure projects, including acquisition, development, leasing, and management of lands and buildings, and undertaking residential, commercial, institutional, and industrial projects, along with roads, power, water, and other infrastructure facilities.

3. The Applicant Company has inadvertently missed to file Annual Accounts and Returns of the Company for the Financial Years 2020-21 and 2021-22, along with Form INC-20A within 180 days from the date of its incorporation on 08.12.2020 and the subscribers to the Memorandum did not pay the subscription money undertaken to be paid at the time of incorporation. Consequently, the Respondent issued notice in Form STK-1 dated 07.07.2022 and subsequently struck off the name of the Applicant Company under Section 248 of the Act vide Notice in Form STK-7 dated 02.02.2023.

4. The Applicant Company for in the event of revival of the Applicant Company and restoration of the name of the Company in the Register maintained by the Respondent No.1, the Applicant Company shall file all outstanding statutory documents including Form INC-20A, Financial Statements and Annual Returns for the financial years 2020-21 and 2021-22, along with the requisite filing and additional fees, as applicable.

REPORT OF THE RoC:

5. The RoC has filed a report dated 26.09.2023 stating that the Applicant Company was incorporated on 08.12.2020 and that the subscribers to the Memorandum had not paid the subscription amount undertaken by them at the time of incorporation. Further, the Company failed to file the declaration of commencement of business under Section 10A(1) of the Companies Act, 2013 within the prescribed period of one hundred and eighty days from its incorporation. It was also reported that the Applicant Company had not filed any application to obtain the status of a dormant company under Section 455 of the Act. Accordingly, the Registrar of Companies, after issuing Notice in Form STK-1 dated 07.07.2022 and public notice in Form STK-5 dated 28.09.2022, struck off the name of the Company from the Register of Companies under Section 248(1)(c) of the Companies Act, 2013 read with Rule 9 of the Companies Rules, 2016 vide Notice in Form STK-7 dated 02.02.2023. It was further submitted before this Tribunal that, upon restoration of the Company's name, the Applicant Company shall file all pending statutory returns and other compliance documents along with the applicable filing fees and additional fees, if any.

REPORT OF THE INCOME TAX DEPARTMENT:

6. The Sr. Standing Counsel for the Income Tax Department submitted before this Tribunal on 05.06.2026 that, as per the ITBA records, **no outstanding income tax demand or proceedings are pending against the Applicant Company** and that the Department has no objection if the name of the Company is restored.

ANALYSIS AND FINDINGS:

7. We have heard the submissions made by the Ld. Counsel for the Applicant Company, Ld. Standing Counsel, Mr. Varun Issar for the Income Tax Department and Deputy RoC, for the Registrar of Companies and perused the material available on record, and also gone through the extant provisions of the Companies Act, 2013 and rules made thereunder.

8. It is to be noted that the sub-section (1) of section 252 of the Act, inter alia, provides that before exercising jurisdiction to restore the Company to its original name on the Register of the Registrar of Companies, if the Tribunal, on an appeal filed against the Order of Registrar, is of the opinion that the removal of the name of the Company from the Register of Companies is not justified in view of the absence of any of the grounds on which the Order was passed by the Registrar, it may Order restoration of the name of the Company in the Register of Companies.

9. The Applicant Company has submitted that it was carrying on business at the time of its striking off. The Applicant Company has also been generating profits and paying income tax thereon. As the Company is a closely held private company owned and managed by its two shareholder-directors, and due to lack of proper professional guidance, oversight and inadvertence, it failed to file Form INC-20A and the Annual Accounts and Returns within the prescribed time. It has further undertaken that, upon restoration of its name in the Register of Companies, it shall file all outstanding statutory documents, including Form INC-20A, Financial Statements and Annual Returns for the Financial Years 2020–21 and 2021–22, along with the prescribed filing fees and additional fees, as applicable.

10. Learned counsel for the Applicant Company submitted that during the hearing on 05.06.2026 that the Applicant Company was incorporated on 08.12.2020 and that, due to inadvertence and lack of proper professional guidance, it could not file Form INC-20A within the prescribed period or file the

Financial Statements and Annual Returns for the Financial Years 2020–21 and 2021–22 with the Registrar of Companies, Haryana. The Applicant Company has undertaken to complete all pending statutory compliances, along with the prescribed filing fees and additional fees, upon restoration of its name in the Register of Companies.

11. In view of the above facts and circumstances and in exercise of powers conferred under Section 252 of the Companies Act, 2013, this Tribunal allows the Application subject to payment of costs of ₹50,000/- (Rupees Fifty Thousand Only) by the Applicant Company to be paid in the "Prime Minister National Relief Fund" within three weeks from the receipt of the duly certified copy of this Order, and with the following directions:

(i) The Registrar of Companies, Haryana, shall restore the original status of the Applicant Company as if the name of the Company had not been struck off from the Register of Companies, with the resultant and consequential actions like changing the status of the Company from 'struck off' to 'active'.

(ii) The Applicant Company shall file all pending statutory documents, including annual accounts and annual returns, along with prescribed fees/additional fee/fine as decided by the jurisdictional Registrar of Companies, within 45 days from the date on which its name is restored on the Register of Companies maintained by the concerned Registrar of Companies.

(iii) The Applicant Company shall deliver a certified copy of this Order to the Registrar of Companies, Haryana, within a period of thirty days from the date of receipt of this Order.

(iv) On receipt of the certified copy of this Order and after due compliance with the above directions, the Registrar of Companies may publish the Order in the Official Gazette, the cost for which shall be borne by the Applicant Company.

(v) This Order is confined to the violations, which ultimately led to the impugned action of striking off the name of the Company. It will not come in the way of the jurisdictional Registrar of Companies, to take appropriate action in accordance with law, for any other violation/offences, if any, committed by the Applicant Company before or during the period when the name of the Company remained struck off.

(vi) The Income Tax Department may take all necessary action as per law for non-filing or belated filing of the Income Tax Returns of the Company for any of the assessment years and also for recovery of outstanding demand, if any.

12. In light of the above discussion, the **Company Appeal No. 12/Chd/Hry/2023** is **allowed and disposed of**.

Sd/-	**Sd/-**
(SHISHIR AGARWAL) **MEMBER (TECHNICAL)**	**(KHETRABASI BISWAL)** **MEMBER (JUDICIAL)** Divya