

**IN THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH, COURT- I
C.P. NO. 145/KB/2025**

*An application under Section 252 (3) of the Companies Act, 2013 and
Companies (Removal of Names of Companies from the Register of
Companies) Rules, 2016 and other relevant rules.*

IN THE MATTER OF:

NISHTHAA MINERALS PRIVATE LIMITED

...Struck Off

-And-

IN THE MATTER OF:

ANURAG SARAF

...Petitioner

-- Versus --

THE REGISTRAR OF COMPANIES, WEST BENGAL

...Respondent

Date of Pronouncement: 15.05.2026

CORAM:

Smt. Bidisha Banerjee, Member (Judicial)

Cmde. Siddharth Mishra, Member (Technical)

APPEARANCES (VIA HYBRID MODE):

Mr. Rohit Kr. Keshri, Adv.] For Petitioner

Mr. Jnana Ranjan Dhal, Adv.]

Mr. Ankit Chaurasia, Adv.]

ORDER

Per: Cmde. Siddharth Mishra, Member (Technical)

- 1) This Company Petition has been filed by Anurag Saraf *inter alia* under section 252(3) of the Companies Act, 2013 for restoration of name of the struck off company in the Register Of Companies, maintained in the office of the Registrar of Companies, West Bengal. It is stated that the name of Nishthaa Minerals Private Limited (CIN: U13203WB2007PTC115785) (“Company” / “Petitioner Company”) was **struck off on 08.08.2013**.
- 2) Notices were issued to the Registrar of Companies, West Bengal. The Registrar of Companies, West Bengal has submitted a report with copy to the petitioner. It was stated in the report that the name of the Company was struck off under section 560(5) of the Companies Act 1956 since the RoC, West Bengal had reasonable cause to believe that the Company was not carrying on its business or was in operation since 2010-11.
- 3) It is contended by the Petitioner that the the non-filing of audited financial statements and audited returns led to such assumption the Company was not carrying on business or was in operation before 2 years from the strike-off. It is further submitted by the Petitioner that the **non-filing of the statutory returns for the relevant years occurred due to inadvertence and financial constraints and not because the Company had permanently discontinued its operations**.
- 4) The Ld. Counsel for the Petitioner prayed for passing of an order for restoration of the name of the Company to the register.

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5) Registrar of Companies, West Bengal has not objected to this application for restoration of the name of the company. On perusal of the application we are satisfied that the name of the company should be restored to the register. Therefore, this petition deserves sympathetic consideration. Accordingly, the present petition is allowed on the following terms :-

- a) The Registrar of Companies, West Bengal, being the Respondent herein, is directed to restore the original status of the Petitioner 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 status of petitioner company from '**struck off**' to '**Active**'.
- b) The Petitioner Company is directed to conduct all the pending Annual General Meetings, file all pending statutory document(s) including the Annual Returns and Financial Statements of the Company along with prescribed fees/additional fee/fine as decided by Registrar of Companies, West Bengal, within 45 days from the date on which its name is restored on the register of companies maintained by the Registrar of Companies, West Bengal.
- c) The restoration of the Company's name is also subject to the payment of cost of **Rs. 1,20,000/- (Rupees One Lakh Twenty Thousand only)** through online payment in www.mca.gov.in under miscellaneous fee by mentioning particulars as "**Payment of cost for restoration of company pursuant to orders of NCLT in C.P. No. 145/KB/2025**".

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- d) The Petitioner is directed to deliver a certified copy of this order with Registrar of Companies, West Bengal within thirty days of the receipt of this order.
- e) On such delivery and after due compliance with the above directions, the Registrar of Companies, West Bengal, is directed to publish the order in the Official Gazette under his office name and seal;
- f) This order is confined to the violations, which ultimately led to the impugned action of striking off the name of the Company, and it will not come in the way of Registrar of Companies, West Bengal to take appropriate action(s) in accordance with law, for any other violations / offences, if any, committed by the petitioner company prior to or during the period the name of the Company remained struck off.
- 6) The **C.P. No. 145/KB/2025 is disposed of** accordingly.
- 7) The Registry is directed to send e-mail copies of the order forthwith to all the parties inclusive of the Counsel(s).
- 8) **Urgent certified copy** of this order, if applied for be issued upon compliance with all requisite formalities.

Cmde. Siddharth Mishra
Member (Technical)

Bidisha Banerjee
Member (Judicial)

Order dated on 15.05.2026.

Bhatt, O. [LRA]