

**IN THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH, COURT- I
C.P. NO. 21/KB/2025**

An application under Section 252 (3) of the Companies Act, 2013

IN THE MATTER OF:

JAHARLAL PANNALALL & CO PRIVATE LIMITED

...Struck Off Company

-And-

IN THE MATTER OF:

BANDANA DUTTA

...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)

APPEARANCE:

Pratyush Patwari] For the Petitioner

ORDER

Per: Smt. Bidisha Banerjee, Member (Judicial)

- 1) This Company Petition has been filed by Bandana Dutta *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 Jahar Lall Panna Lall & Co. Pvt. Ltd. (CIN: U18109WB1952PTC020344) (“Company” / “Petitioner Company”) was **struck off on 16.07.2008**.
- 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 1988 and the Company had failed to file statutory returns since 31.03.1987.
- 3) The Ld. Counsel for the Petitioner prayed for passing of an order for restoration of the name of the Company to the register.

4) SUBMISSIONS OF THE PETITIONER

- 4.1) The Petitioner's father, Chunilall Dawn, along with his five brothers had incorporated the said Company and the said Chunilall Dawn was one of the directors and shareholders in the same.
- 4.2) Said Chunilall Dawn died intestate on 20.08.2003 leaving behind his two daughters Mrs. Bandana Dutta (the Petitioner), and Mrs. Chandana Aich and one son Mr. Chinmay Dawn as his only legal heirs. Thus, the petitioner alongwith said Mrs. Chandana Aich and Mr. Chinmay Dawn, by operation of law, inherited the shares of Chunilall Dawn in the said company.

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- 4.3) By a decree dated 25.04.2018 in Title Suit No. 939 of 2004 filed by the Petitioner as one of the plaintiffs, the Learned City Civil Court at Calcutta, 4th Bench granted *inter alia* the declaration that the **Petitioner is having share in the business** of the Company.
- 5) The Registrar of Companies, West Bengal, has stated that the petitioner has to furnish proper documents to prove her inheritance on her father's assets and her authority to restore the name of the company from strike off to active in Master Data. In this regard, the decree dated 25.04.2018 passed by the Learned City Civil Court, which conclusively declares the Petitioner's share in the business of the Company, is itself a sufficient and conclusive proof of the Petitioner's inheritance of her father's assets and her entitlement to seek restoration of the Company, and no further document is required over and above a subsisting decree of a competent civil court.
- 6) Save and except the aforesaid demand for documents, the Registrar of Companies, West Bengal has raised no other objection to this application for restoration. Rather, in view of the exorbitant amount of filing fees and considering financial constraints of the Petitioner, the Respondent has prescribed that the Petitioner may be permitted to furnish 50% of the total due, i.e. Rs. 37,19,500/- by way of personal bond, which may thereafter be adjusted/released upon payment of the pending filing fees.
- 7) The Petitioner has contended that neither any prior notice nor publication was issued by the Registrar of Companies, West Bengal, before the striking off of the Company's name from the Register of Companies. This Tribunal has considered the said contention.
- 8) 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

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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 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. Alternatively, the Petitioner shall be at liberty to furnish the 50% of the total due, i.e. Rs. 37,19,500/- by way of personal bond, which shall thereafter be adjusted/released upon payment of the pending filing fees.
- c) The restoration of the Company's name is also subject to the payment of cost of **Rs. 50,000/- (Rupees Fifty 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. 21/KB/2025"**.
- 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.

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- 9) The **C.P. No. 21/KB/2025 is disposed of** accordingly.
- 10) The Registry is directed to send e-mail copies of the order forthwith to all the parties inclusive of the Counsel(s).
- 11) **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]