

**IN THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH -I
KOLKATA**

In the matter of:

An application under section 252(1) of the Companies act, 2013 read with rule 87A of the National Company Law Tribunal Rules, 2016 and rule 3(1)(ix) of the Companies (removal of names of Companies) Rules, 2016.

Appeal No. 03/KB/2022

In the matter of:

Registrar of Companies, Bihar	...	<i>Appellant</i>
	<i>Versus</i>	
Niwas Developers Private Limited		
[CIN: U45201BR1992PTC005028]	...	<i>Respondent</i> <i>(Struck off)</i>

Appeal No. 05/KB/2022

In the matter of:

Registrar of Companies, Bihar	...	<i>Appellant</i>
	<i>Versus</i>	
Maa Katyani Mercantile Private Limited		
[CIN: U4500BR2006PTC012474]	...	<i>Respondent</i> <i>(Struck off)</i>

Appeal No. 07/KB/2022

In the matter of:

Registrar of Companies, Bihar	...	<i>Appellant</i>
	<i>Versus</i>	
Shine Venture Private Limited		
[CIN: U51109BR2006PTC012458]	...	<i>Respondent</i> <i>(Struck off)</i>

Appeal No. 09/KB/2022

In the matter of:

Registrar of Companies, Bihar	...	<i>Appellant</i>
	<i>Versus</i>	
Rajeshwari Hosiery Mills Private Limited		
[CIN: U52322BR1982PTC001650]	...	<i>Respondent</i> <i>(Struck off)</i>

Appeal No. 11/KB/2022

In the matter of:

Registrar of Companies, Bihar	...	<i>Appellant</i>
	<i>Versus</i>	

Shilpee Housing Development Private Limited

[CIN: U45200BR1986PTC002359] ...

*Respondent
(Struck off)*

Appeal No. 13/KB/2022

In the matter of:

Registrar of Companies, Bihar ...

Appellant

Versus

Manali Constructions & Engineers Private Limited

[CIN: U45200BR1999PTC008803] ...

*Respondent
(Struck off)*

Appeal No. 15/KB/2022

In the matter of:

Registrar of Companies, Bihar ...

Appellant

Versus

India Machinery Stores Private Limited

[CIN: U51103BR1956PTC000576] ...

*Respondent
(Struck off)*

Appeal No. 17/KB/2022

In the matter of:

Registrar of Companies, Bihar ...

Appellant

Versus

J M G Steel Private Limited

[CIN: U27105BR1992PTC004985] ...

*Respondent
(Struck off)*

Appeal No. 19/KB/2022

In the matter of:

Registrar of Companies, Bihar ...

Appellant

Versus

Hare Krishna Engicon Private Limited

[CIN: U45203BR2009PTC015126] ...

*Respondent
(Struck off)*

Appeal No. 21/KB/2022

In the matter of:

Registrar of Companies, Bihar ...

Appellant

Versus

Bhagwan Agro Private Limited

[CIN: U01111BR2009PTC014230] ...

*Respondent
(Struck off)*

Appeal No. 23/KB/2022

In the matter of:

Registrar of Companies, Bihar	...	<i>Appellant</i>
	<i>Versus</i>	

S.D. Jewellers Private Limited [CIN: U27205BR2002PTC009836]	...	<i>Respondent</i> <i>(Struck off)</i>
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Appeal No. 25/KB/2022

In the matter of:

Registrar of Companies, Bihar	...	<i>Appellant</i>
	<i>Versus</i>	

Vasundhara Lucky Builders Private Limited [CIN: U70102BR2009PTC014343]	...	<i>Respondent</i> <i>(Struck off)</i>
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Appeal No. 27/KB/2022

In the matter of:

Registrar of Companies, Bihar	...	<i>Appellant</i>
	<i>Versus</i>	

Kisan Rice Industries Private Limited [CIN: U15122BR2012PTC018630]	...	<i>Respondent</i> <i>(Struck off)</i>
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Appeal No. 29/KB/2022

In the matter of:

Registrar of Companies, Bihar	...	<i>Appellant</i>
	<i>Versus</i>	

Ravi and Parmar Agro Mills Private Limited [CIN: U15311BR2007PTC013101]	...	<i>Respondent</i> <i>(Struck off)</i>
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Appeal No. 31/KB/2022

In the matter of:

Registrar of Companies, Bihar	...	<i>Appellant</i>
	<i>Versus</i>	

Poonam Engicons Private Limited [CIN: U45200BR1995PTC006732]	...	<i>Respondent</i> <i>(Struck off)</i>
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Appeal No. 33/KB/2022

In the matter of:

Registrar of Companies, Bihar	...	<i>Appellant</i>
	<i>Versus</i>	

Satya Bio-Tech Private Limited [CIN: U85110BR2000PTC009197]	...	<i>Respondent</i> <i>(Struck off)</i>
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Appeal No. 35/KB/2022

In the matter of:

Registrar of Companies, Bihar

...

Appellant

Versus

Renu Enterprises (India) Private Limited

[CIN: U45200BR1989PTC003635] ...

*Respondent
(Struck off)*

Appeal No. 37/KB/2022

In the matter of:

Registrar of Companies, Bihar

...

Appellant

Versus

Snowbell Business Solution Private Limited

[CIN: U24230BR2004PTC010913] ...

*Respondent
(Struck off)*

Appeal No. 39/KB/2022

In the matter of:

Registrar of Companies, Bihar

...

Appellant

Versus

Kite Mark Health Care Private Limited

[CIN: U51397BR2002PTC009876] ...

*Respondent
(Struck off)*

Appeal No. 41/KB/2022

In the matter of:

Registrar of Companies, Bihar

...

Appellant

Versus

Academy of English Language Private Limited

[CIN: U80302BR2006PTC012431] ...

*Respondent
(Struck off)*

Appeal No. 45/KB/2022

In the matter of:

Registrar of Companies, Bihar

...

Appellant

Versus

Kautilya Marketing Private Limited

[CIN: U5110BR1997PTC007879] ...

*Respondent
(Struck off)*

Appeal No. 47/KB/2022

In the matter of:

Registrar of Companies, Bihar

...

Appellant

Versus

Priyadarshi Motors Private Limited

[CIN: U51109BR2006PTC012482] ...

*Respondent
(Struck off)*

Appeal No. 49/KB/2022

In the matter of:

Registrar of Companies, Bihar ... *Appellant*

Versus

B.A. Service & Supply (India) Private Limited
[CIN: U51900BR1995PTC006405] ... *Respondent*
(Struck off)

Appeal No. 51/KB/2022

In the matter of:

Registrar of Companies, Bihar ... *Appellant*

Versus

Ashiana Homes Private Limited
[CIN: U45200BR1987PTC002533] ... *Respondent*
(Struck off)

Appeal No. 53/KB/2022

In the matter of:

Registrar of Companies, Bihar ... *Appellant*

Versus

Monaspak Engineer Private Limited
[CIN: U2921BR1982PTC0016265] ... *Respondent*
(Struck off)

Appeal No. 55/KB/2022

In the matter of:

Registrar of Companies, Bihar ... *Appellant*

Versus

Atharv Lakshya Constructions Private Limited
[CIN: U45200BR2006PTC011872] ... *Respondent*
(Struck off)

Order reserved on: 21 April, 2022

Order pronounced on: 26 April, 2022

Coram:

Shri Rajasekhar V.K. : Member (Judicial)
Shri Balraj Joshi : Member (Technical)

Appearances (through video conferencing):

For the Appellant in each Appeal : Mr. Aparajit Barua, RoC-cum-OL
For the Respondent in each Appeal : None, in spite of court notice given

COMMON ORDER

Rajasekhar V.K., Member (Judicial)

1. This Court convened through videoconferencing.
2. The present set of application has been filed by the Registrar of Companies-Cum-Official Liquidator, Patna, seeking restoration of the name of the respective respondent companies to the Registrar of Companies, in terms of the second proviso to sub-section (1) of section 252 of the Companies Act, 2013.
3. It is the case of the applicant that the RoC has proceeded to strike off the name of the Companies in question from the Registrar of Companies due to defaults in filing its statutory returns for a period of at least two years preceding the striking-off date.
4. Thereafter it was noticed that these Companies had charges which were still open. Therefore, it was necessary to restore the name of the struck-off companies back to the Register to prevent any legal complications later.
5. In these circumstances, the RoC has prayed for appropriate orders to be passed restoring the name of the Companies in question to the register maintained by the RoC, as the names were struck off inadvertently.
6. Court notices as required in terms of first proviso to sub-section (1) of Section 252 has been duly given to each of the Companies as per details given in the table below: -

Sl. No.	Name of the Company and CIN	Date of striking of	Court notice and return date
1.	Niwas Developers Private Limited [CIN: U45201BR1992PTC005028]	29 June 2017	21 February 2022 Return date: 26 February 2022
2.	Maa Katyani Mercantile Private Limited [CIN: U4500BR2006PTC012474]	11 September 2018	21 February 2022 Return date: 28 February 2022

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Sl. No.	Name of the Company and CIN	Date of striking of	Court notice and return date
3.	Shine Venture Private Limited [CIN: U51109BR2006PTC012458]	29 June 2017	21 February 2022 Return date: 26 February 2022
4.	Rajeshwari Hosiery Mills Private Limited [CIN: U52322BR1982PTC001650]	11 September 2018	21 February 2022 Return date: 28 February 2022
5.	Shilpee Housing Development Private Limited [CIN: 45200BR1986PTC002359]	11 September 2018	21 February 2022 Return date: 26 February 2022
6.	Manali Constructions & Engineers Private Limited [CIN: 45200BR1999PTC008803]	11 September 2018	21 February 2022 Return date: 26 February 2022
7.	India Machinery Stores Private Limited [CIN: U51103BR1956PTC000576]	11 September 2018	21 February 2022 Return date: 26 February 2022
8.	J M G Steel Private Limited [CIN: U27105BR1992PTC004985]	11 September 2018	21 February 2022 Return date: 26 February 2022
9.	Hare Krishna Engicon Private Limited [CIN: U45203BR2009PTC015126]	29 June 2017	21 February 2022 Return date: 26 February 2022
10.	Bhagwan Agro Private Limited [CIN: U01111BR2009PTC014230]	29 June 2017	21 February 2022 Delivery date: 28 February 2022
11.	S.D. Jewellers Private Limited [CIN: U27205BR2002PTC009836]	11 September 2018	21 February 2022 Return date: 26 February 2022
12.	Vasundhara Lucky Builders Private Limited [CIN: U70102BR2009PTC014343]	29 June 2017	21 February 2022 Return date: 28 February 2022

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Sl. No.	Name of the Company and CIN	Date of striking of	Court notice and return date
3.	Kisan Rice Industries Private Limited [CIN: U15122BR2012PTC018630]	11 September 2018	21 February 2022 Delivery date: 26 February 2022
4.	Ravi and Parmar Agro Mills Private Limited [CIN: U15311BR2007PTC013101]	29 June 2017	21 February 2022 Delivery date: 26 February 2022
5.	Poonam Engicons Private Limited [CIN: U45200BR1995PTC006732]	29 June 2017	21 February 2022 Return date: 01 March 2022
6.	Satya Bio-Tech Private Limited [CIN: U85110BR2000PTC009197]	11 September 2018	21 February 2022 Return date: 26 February 2022
7.	Renu Enterprises (India) Private Limited [CIN: U45200BR1989PTC003635]	11 September 2018	21 February 2022 Return date: 26 February 2022
8.	Snowbell Business Solution Private Limited [CIN: U24230BR2004PTC010913]	29 June 2017	21 February 2022 Delivery date: 26 February 2022
9.	Kite Mark Health Care Private Limited [CIN: U51397BR2002PTC009876]	11 September 2018	21 February 2022 Return date: 26 February 2022
10.	Academy of English Language Private Limited [CIN: U80302BR2006PTC012431]	29 June 2017	21 February 2022 Return date: 04 March 2022
11.	Kautilya Marketing Private Limited [CIN: U5110BR1997PTC007879]	11 September 2018	21 February 2022 Return date: 26 February 2022
12.	Priyadarshi Motors Private Limited [CIN: U51109BR2006PTC012482]	11 September 2018	21 February 2022 Delivery date:

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Sl. No.	Name of the Company and CIN	Date of striking of	Court notice and return date
			26 February 2022
3.	B.A. Service & Supply (India) Private Limited [CIN: U51900BR1995PTC006405]	11 September 2018	21 February 2022 Return date: 26 February 2022
4.	Ashiana Homes Private Limited [CIN: U45200BR1987PTC002533]	11 September 2018	21 February 2022 Return date: 01 March 2022
5.	Monaspak Engineer Private Limited [CIN: U2921BR1982PTC0016265]	11 September 2018	21 February 2022 Return date: 26 February 2022
6.	Atharv Lakshya Constructions Private Limited [CIN: U45200BR2006PTC011872]	11 September 2018	21 February 2022 Return date: 26 February 2022

7. However, despite receipt of notice, there is no appearance on behalf of the Respondent Companies. In these circumstances we have proceeded to pass the orders *ex parte*.
8. We have considered the totality of circumstances mentioned by the RoC and the reasons given for seeking restoration on the names of the said Companies to the Register. We are satisfied with the reasons given. Accordingly, the following orders are passed: -
 - (a) The Registrar of Companies shall restore the name of the respective Companies to the Register with immediate effect.
 - (b) Necessary gazette notification in this regard restoring the name shall be published in the official gazette.
 - (c) The companies concerned shall file the outstanding Annual Returns and Balance Sheets for all the defaulted years with the RoC.
 - (d) There shall be no orders as to cost.

9. In terms of these directions, each of the Appeals mentioned above shall stand disposed of.
10. The Registry is hereby directed to communicate this order to the parties concerned by post and email, not later than two days from the date of this order.
11. Certified Copy of this order may be issued, if applied for, upon compliance of all requisite formalities.

**BALRAJ
JOSHI** Digitally signed
by BALRAJ JOSHI
Date: 2022.04.26
16:15:22 +05'30'

Balraj Joshi
Member (Technical)

**Rajasekhar
V K** Digitally signed by
Rajasekhar V K
Date: 2022.04.26
15:03:31 +05'30'

Rajasekhar V.K.
Member (Judicial)

Order signed on 26 April, 2022.

VC[PS]/GGRB[LRA]